



AGAINST LABOR

HOW
U.S. EMPLOYERS
ORGANIZED
TO DEFEAT
UNION ACTIVISM

Edited by **ROSEMARY FEURER** and **CHAD PEARSON**

THE WORKING CLASS IN AMERICAN HISTORY





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Against Labor

*How U.S. Employers
Organized to Defeat
Union Activism*

Edited by

ROSEMARY
FEURER AND
CHAD
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University of Illinois Press

URBANA, CHICAGO, AND SPRINGFIELD

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In memory of David Montgomery and Jerry Tucker

Contents

Acknowledgments

Introduction: Against Labor

Rosemary Feurer and Chad Pearson

- 1 **Scientific Management, Racist Science, and Race Management**
Elizabeth Esch and David Roediger
- 2 **“Free Shops for Free Men”? The Challenges of Strikebreaking and Union-Busting in the Progressive Era**
Chad Pearson
- 3 **Employers’ Path to the Open Shop in Detroit, 1903–7**
Thomas A. Klug
- 4 **Race, Unionism, and the Open-Shop Movement along the Waterfront in Mobile, Alabama**
Robert H. Woodrum
- 5 **Through a Glass, Darkly: The NLRB, Employer Counteroffensives, Investigative Committees, and the CIO**
Dolores E. Janiewski
- 6 **The Strange Career of A. A. Ahner: Reconsidering Blackjacks and Briefcases**
Rosemary Feurer
- 7 **A Moderate Employers’ Association in a “House Divided”: The Case of the Employing Printers of Columbus, Ohio, 1887–1987**
Howard R. Stanger

8 Litigating for Profit: Business, Law, and Labor in the New Economy
South

Michael Dennis

9 Capital and Labor in the 21st Century: The End of History?

Peter Rachleff

Glossary

Contributors

Index

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Introduction

Against Labor

ROSEMARY FEURER AND CHAD PEARSON

How have United States employers organized in order to maintain managerial control and stave off unionization? This collection focuses on the ways in which generations of employers have responded to expressions of working class activism, including strikes, boycotts, unionization campaigns, and political battles. At the end of the nineteenth century, employers and others referred to these activities as the “labor problem.” In most cases, they responded forcefully, creating frameworks that remain important today. The essays in this volume aim to deepen our understanding of antilabor activism, covering a spectrum of strategies while highlighting the roles played by numerous individuals and industries from the late nineteenth to the early twenty-first century.

These essays reveal that while employer activism took place in a global capitalist system, national and local context mattered. U.S. activist employers acted cohesively in local and national organizations, as well as politically and through legal avenues to achieve their goals: financial profits, managerial dominance, and societal legitimacy. They insisted that their efforts were deeply American and worthy of concerted collective strategies against workers’ movements. They organized and created ideological campaigns for managerial control that continue to animate the dialogue of the twenty-first century. Few issues have united the business community more consistently and deeply than antiunionism.

The need to historicize employer organizing is in harmony with the new interest in the history of capitalism and dovetails with the recent outpouring

of scholarship on the “rise of the Right.”¹ We argue that one cannot study employers’ antiunion policies without trying to understand the social history of capitalism, and one cannot understand the resurgence of the Right in recent decades without coming to terms with the long history of employer activism. People, not faceless markets, shaped this story. History from above and history from below need to be understood together in order to fully appreciate the continual attempts to congeal employers’ power over workers. What those at the top of the hierarchy thought and did was always contextualized by the viability of a workers’ movement from below. Studying employers cannot be separated from the agency of workers, and examining both together illuminates the social history of capitalism.

Few historians have portrayed employers as actively constructing themselves as a class or as engaged in social movements, but we insist that is a useful framework. In order to wield power, employers learned that they needed to collectively organize local, state, and national networks—and that they needed alliances, instruments, and organizations. In this context, they found common ground as they confronted challenges from organized labor in the courts, in politics, in the area of public relations, and at the point of production. Advocating free-market ideology and opposing expressions of working-class collectivism, they sought to exert power by using the state to create legal and institutional parameters that limited workers’ options. Many recognized that their ability to recruit, organize, and deploy labor required fighting workers’ collective action or taming their demands. In many cases, they were counterrevolutionaries reacting to crises of power; in others, they simply acted opportunistically and proactively to establish and embed their antiunion sentiments in the U.S. system. They sought to build a counterculture to working-class community-based mobilizations, and their collective work strategically activated the state on their behalf. In each of the essays in this collection, workers’ actions played critical roles in how employers and capitalists structured themselves as a class.

Core questions animate this book: How and why did employers organize themselves and how did they limit workers’ power? Which employers were most active in antiunion campaigns? How did employers launch their campaigns, and what obstacles did they seek to overcome? What alliances and strategies did they deploy? In what ways did issues of race and ethnicity intersect with organizing against labor? How much did the rise of the New Deal and the Democratic Party’s dominance in the mid-twentieth

century alter the landscape and possibilities of employers' strategies? How does antiunionism in the context of neoliberalism compare with earlier periods of antiunionism? The collection's essays address these, and other, questions. The answers are not meant to be comprehensive but are intended to help move the conversation in productive ways by reconsidering both older and more recent approaches to this subject's history.

A number of historians before us have sought to interpret employers' antiunionism. The dominant perspective for most of the twentieth century sought to place employers on a spectrum according to their opposition to unions. A small group of historians reframed U.S. employers as exceptional in comparison with those in other countries in their antiunionism. In recent years, those interested in the "rise of the Right" have interpreted employers' activism as a rejection of the New Deal.

Throughout much of the twentieth century, historians attempted to understand which U.S. employers or firms were most influential in combating unions. For much of this time, there was broad scholarly agreement that U.S. employers' approach to the labor problem depended on their relationship to the economic market and their size or scale. Clarence Bonnett's 1922 study of employers' associations initiated this perspective. Bonnett suggested that the managers of larger corporations with higher market share constituted a kind of vanguard who accepted "responsible" unions. He found these employers gravitated to the National Civic Federation—an employer-led organization founded in 1900 that actually included union representatives and members of the nebulous "general public." He was impressed with their willingness to facilitate moderate agreements between labor and business. Bonnett labeled the National Association of Manufacturers, the National Erectors' Association, the National Metal Trades Association, and the National Founders' Association belligerent, since members of these organizations, consisting mostly of fraternities of employers representing small and medium-sized workplaces, were stubbornly opposed to labor unions. Bonnett's categorization lasted for decades, advanced by a notion that corporate liberalism might prevail. Much historical work reinforced some of Bonnett's insights. "Most scholars would agree," historian Larry Gerber maintained in 1997, "that small firms" in the early twentieth century were "more vehement in their opposition to unions than the corporate giants of the economy."²

From this perspective, historians presented employer antilabor campaigns as a kind of retrograde project led by competitive, labor-intensive firms. They argued that a corporate liberal form of modern and sophisticated labor relations dominated in the postwar era. Some described large corporations' strategies toward labor within a modernization framework: managers in the core economy led the way toward rational, bureaucratized labor-management relationships. These historians argued that employers overseeing the production of durable goods in larger workplaces accommodated unions, sought compromise, and developed a more enlightened human relations-oriented strategy. Scholars saw large corporations in the core industries as leading the way to a post-World War II labor management accord; companies traded pensions, benefits, and cost-of-living increases in return for stable labor relations and peace with "responsible" union leaders who accepted employers' right to manage.³

This general interpretation began to fray in the 1980s, in the wake of an assault on labor rights. Starting with Howell Harris's *Right to Manage* (1982), a growing chorus of scholars have challenged the notion that this era should be defined by a labor accord, and have called into question the notion that large employers were significantly different from others in their goals.⁴ Some historians of the Progressive Era have also called for a more nuanced view of the role of small and large employers in accommodating or opposing unions.⁵

More recently, scholars of the "rise of the Right" have extended these insights, bringing renewed attention to employers' reaction to the stormy 1930s. Focusing mostly on the post-World War II era, they have challenged an earlier body of literature that treated the growth of conservatism as a grassroots movement or a suburban reaction to the civil-rights struggles. These histories refocus attention to the "grasstops" origin of the conservative or neoliberal agenda and have deepened our understanding of leading anti-New Deal policymakers and activists, including antistatist economists like Fredrick Hayek and Milton Freidman, union-hating law professors like Sylvester Petro, uncompromising managers like General Electric Corporation's Lemuel Boulware, antiunion management consultants like John Tate, and reactionary politicians like former Arizona Senator Barry Goldwater. They have shown that all types of employers in the postwar period were determined to thwart labor's power in workplaces,

contain postwar liberal policies, and shape the consciousness of ordinary Americans through propaganda dissemination.⁶

Although studies of the rise of postwar conservatism have expanded our understanding of the relationship between the interests of business leaders and conservative politicians and spokespersons on antiunionism, their tendency to look to the New Deal as the key dividing line for analyzing employer antiunionism misses the longer arc of the history of employers' activism.⁷ Antiunion ideas, laws, institutions, and networks existed well before the New Deal; we need to consider how antiunion praxis and ideological frameworks were established on late-nineteenth- and early-twentieth-century foundations and later reformulated to address the challenges created by workers' victories during the 1930s and afterward. Walter Drew, a key leader of the early employers open-shop drive, viewed the 1947 Taft-Hartley Act provisions designed to limit union power as a "direct descendant" of the earlier campaigns, an achievement of the "third national uprising" of employers.⁸ Drew's insights help us to see employer organizers as part of a dynamic history with a long memory and networks. Readers of the essays in this collection will see that long dynamic at work as well.

Focusing on the rise of the Right as the central framework is also inadequate because conservatives were hardly alone in articulating and promoting ideas that weakened workers' power. Plenty of self-identified liberals throughout history have demonstrated their discomfort with working-class protests and organized labor's demands. In fact, many employers active in the early-twentieth-century open-shop movement cast themselves as progressive managers interested in the welfare of their workers, and some succeeded in making common cause with well-known liberal-leaning figures like Theodore Roosevelt and Louis D. Brandeis, individuals who shared employers' values of protecting individual rights against closed-shop unionism, working-class radicalism, and mass protests. They trumpeted their benevolence and farsightedness rather than defend social Darwinism. Many were philanthropists in their communities and welfare capitalists at their workplaces. They framed the case against unions by invoking reformist-sounding phrases like "open shop" and "right to work" and claimed that their agenda served the citizens' interest. Such rhetoric represented major inroads that continued to animate antiunionism throughout much of the rest of the century. They found allies among

reformers and liberals in the Progressive and New Deal eras who were unwilling to acknowledge class divisions and expressed uneasiness with outbursts of working-class militancy and solidarity. By recognizing that liberals have assisted in undermining the labor movement, we can better appreciate the limits of the liberal alliances with workers in the Progressive Era, the New Deal, and in the postwar decades.⁹

How, then, should we make sense of the long history of employer activism against unions? First, we must recognize that antiunionism was a unifying theme for all types of U.S. employers. It constituted a consistent solution to crises of profitability and a mechanism for capital accumulation. It seems clear that across time, core groups of employer activists in the United States regularly coalesced and promoted antiunionism as a central tenet of their agenda. It became a project of a self-aware class rather than the instrument of big or small employers. When placed in relationship to employers in other nations, and to those who took a moderate stance, the need to historicize organizing against labor across time and place becomes clear.¹⁰

This collection presents employers' activism in a class-formation framework and recognizes the role of praxis combined with the longevity of networks, institutions, strategies, and ideological attunement within uneven capitalist development. Employers' antiunion efforts have been initiated not only at the firm level, but by a militant minority of employers who organized fellow managers and owners to act collectively against what they considered threats to their fundamental interests: closed shops and industrial unionism, outbursts of working-class militancy, and ideas that promoted worker collectivism over individualism and international labor solidarity over U.S. patriotism. A broad range of employers became activists in order to control the labor market, search for allies, and test and hone their arguments more clearly.¹¹ Some were more inclined to take leadership positions in movements against labor unions and others found little reason to join or pay dues to employers' associations.

Those in the militant minority insisted that organization—locally, at the state level, and nationally—was the key to averting the threat of unions, which would continue to grow if employers failed to act. Consider the words of a member of the antiunion National Metal Trades Association in 1910 complaining about the slippery slope of confronting union demands and strikes. He argued that strikes had to be defeated wherever they arose

because experience showed that demands in one place one week would mean “the presentation of like unreasonable demands the next week, probably in Boston, and the week after in Fitchburg, and finally all over the country.” Employers, they insisted, needed their own member-driven, highly inclusive, ideologically cohesive, and powerful organizations to properly meet this dangerous domino effect, one that threatened to inaugurate “union dictation” in workplaces throughout the nation.¹² These networks survived the union insurgencies of the 1930s and provided a solid basis for challenging unions legally, ideologically, institutionally, and at the workplace. Activist antiunion employers responded to and feared worker networks, the expansion of prolabor ideas, and the political leverage of organized workers in a democratic polity.

The specific activist employers who led these campaigns changed over time and within or between industrial sectors, but we can identify a set of common ideas and patterns. In each period they learned that they had to move beyond their class allies, political comfort zones, and economic power base. The dynamics of specific campaigns forced employers to justify their actions in the public sphere and to develop strategies beyond the firm level. Employers networked and built relationships, utilized and plied the law, and organized to influence the state. In some respects, these campaigns helped to bring the modern state into being. They recognized that they had to justify their ideology and contest a labor movement that often enjoyed a wide base of community support.

Antiradicalism and countering labor militancy were unifying concerns for employers’ campaigns. Employers spread fears of radicalism, and as a result secured strategic alliances. They leveraged fear and prejudice into an antiunion advantage in key moments of upheaval, helping to weed out some of the most effective unionists in the process. Indeed, their core targets were often radicals and the ideas they embraced. In the early twentieth century, an antilabor and antiradical agenda was vitally assisted by the prejudice against immigrants and African Americans, lending employers allies with antiradical institutions and people who ranged across a wide political and class spectrum, from Progressive to liberal to conservative. They won support from sections of both the middle and the working classes. Depicting trade unions as a vessel for foreign influence sometimes drew objections from conservative trade unionists, but it also allowed those conservative unionists their own relished advantage over radical alternatives. Even as

they sought the open shop, employers influenced the direction of existing trade unions and used divisions among workers as a means to build their own power. And racism was a vital component of the campaign to preserve the South as a nonunion refuge for capital flight.¹³

The essays in this book show antiunion activist employers engaged in politics, calling new forms of state power into being even as they decried state intervention for workers. They established public–private alliances to oppose labor’s power. Historians of late-nineteenth- and early-twentieth-century labor law and politics have long noted the ways in which employers received assistance from the state. Indeed, the state served as a vital ally in repressing radical alternatives and containing the labor movement at critical periods. Employers pushed for laws and legal rulings that limited workers’ leverage, such as those criminalizing mass direct action, including the use of boycotts and sympathy strikes.¹⁴ Employers emerged with many victories before World War I with state assistance or acquiescence. When workers gained leverage in law in the mid-twentieth century, employers organized to contain, cordon off, or roll back those gains. As the United States engaged in foreign wars throughout the twentieth century, arms of the state became a resource for reinforcing employers’ power and preventing the spread of working-class militancy and global solidarity. Invoking national security, the state protected the interests of conservative trade unions and embedded them in the project of spreading capitalism across the globe while restraining radical labor activists.¹⁵ In this respect, what some interpreted as a labor–management accord might better be understood as a corporatism brought about because of military interventions. The mid-twentieth-century national-security state contributed to the creation of a conservative, procapitalist leadership in the U.S. labor movement that acted as an adjunct to employers as they pursued global capitalist expansion. Having secured significant economic gains for union members and enjoying a temperate and rationalized bargaining regime, union leaders were disinclined to challenge the emergence of neoliberalism in the 1970s and 1980s, which renewed aggressive attacks on unions. This collection’s essays show that repression, carried out by both employers and state representatives, was a core part of this long story of a movement that was never vanquished but survived in networks and provided the seedbed for the late-twentieth-century assault on organized labor.¹⁶

The volume's essays focus in on particular themes and locations. They assume a basic understanding of U.S. employer and labor history. The following overview helps to present the overarching themes and arguments of the collection in a chronological framework and further develops the argument for a better understanding of the role of networks and praxis. We must rethink periodization and ideological frameworks to understand employers' activism.

A Brief Overview of Employers Organizing against Labor

As they embarked on organizing against labor in the early twentieth century, employers already had a wealth of experience with repressing worker ambitions. Before the Civil War, U.S. employers, embedded in a system of labor markets connected to slavery, organized as a class in specific locales to recruit and manage the spectrum of free and unfree labor. Here is where they first acted together to shape labor-market regimes capable of controlling the political economy. They fashioned perceptions of racial and gender types to workplaces and used legal structures to scaffold various forms of coercion of waged, indentured, convict, contract, and slave labor. Slavery systems provided critical lessons for managerial strategies for free labor.¹⁷

Employers played an important role in limiting the attempts of Black and White workers to infuse new meaning to the concepts of free labor during the near-revolutionary upheaval of the Civil War and Reconstruction periods. Black workers launched strikes for freedom and thus played the strategic role of ending the system of slavery.¹⁸ Workers in the North staged their own, less revolutionary, uprisings. Employers in both regions responded. In the South, disenfranchisement, debt peonage, convict leasing, and sharecropping became core mechanisms of control. In the North, employers played a pivotal role in closing the possibility of the new Republican Party as a base for labor's eight-hour-day movement. Employers innovated strikebreaking police forces by overseeing the creation of the Pennsylvania coal and iron police, used federal troops to impose martial law, and began the long campaigns to gain advantage through influence at the state level. In response to a wave of labor upheavals in the 1870s and 1880s, employers launched more repressive mechanisms to restrain free labor and to insert the state's policing powers to

undermine workers' struggle and began to work together in organizations. They deployed legal instruments to reassert the master-servant doctrine from indentured servitude into legal rulings and introduced vagrancy laws and prison labor systems. They eliminated local work relief systems to coerce workers to take jobs.¹⁹

Throughout the Gilded Age, workers fought back vigorously by organizing politically for legislative and city-level redress, by establishing unions, by fighting for legislation, and by launching strikes on a scale unprecedented in human history. Many developed their own political organizations and joined Populist Party campaigns.²⁰ Employers found themselves in a rearguard action. They reacted to this unrest and political action episodically, fearful that democratic governance might remove the economy from their control and lead to a workers' republic. They harnessed the use of federal and state troops, military arsenals, U.S. marshals, and local and state police systems to quell worker unrest in a wave of repression that brought hundreds of deaths. Employers hired strikebreaking agencies that used private mercenaries and agents provocateurs in labor conflicts, creating bloody confrontations that were unparalleled in most other industrialized countries.²¹

Conflicts in major urban areas and in core industries (railroads, mines, streetcars) in the late nineteenth century led employers to organize more concertedly. Employers began to formulate arguments, promoting revised concepts of laissez-faire and free labor even as they utilized the state to combat unions. In fact, they sought assistance from law and troops to ensure the right to construct the labor market and to shape the concept of the "right to quit" as a counter to workers' demands for a right to their job. Railroad heads, for example, often competed against one another, but they agreed on one thing: the need to defeat labor unions and to prevent labor "monopolies" among workers that employers had created in the corporate form. The railroad employer countermobilization against the Knights of Labor in the 1886 Gould Railway strike was the first major concerted intervention at the national level by employers and set the stage for the exceptional nature of employer anti-labor networking in the twentieth century. One can trace the kind of learning in these episodes: the injunctions in the 1886 strikes were enhanced in the dramatic 1894 Pullman conflict and then made even more draconian in the early twentieth century in mine strikes and in urban conflicts, copied and networked between legal

jurisdictions, traveling across state boundaries in these networks. These victories steeled employers' determination to refuse state intervention and arbitration overtures in most cases, which distinguished them from employers in other nations. Employers, invoking the specter of working-class militancy and radicalism, succeeded in securing federal court injunctions as a way to win instead of compromising.²²

Activist employers deployed ideas and instruments in reaction to vibrant labor, populist, socialist, and unemployed movements. Taken together, these movements constituted a crisis for the U.S. elite. No longer could they assure themselves that the United States would not have a Paris Commune (1871) moment; memories of the 1877 general railroad strike, the 1886 Great Upheaval, and the general strike for an eight-hour day animated employers and elites generally for a generation. The theory of social Darwinism was a bridge: it allowed them to reconcile an old ideology of free labor with the hierarchies they were constructing and with the actual practice of the restrictions on free labor in a democracy. They depicted mass marches and picket lines as forms of terror; some, including Harvard University president and antiunion activist Charles Eliot, insisted in 1904 there "was no such thing as peaceful picketing."²³ In cities, employers and their allies organized behind an ideology of order that suggested labor unrest was associated with chaos, anti-Americanism, and anarchism. The labor problem, they insisted, was harmful to civic freedom, not just to their own economic interests. In this context, they sought to enhance their control over policing systems under the banner of efficiency and order, the cornerstone of the Progressive Era impulse.²⁴

Although historians of labor and empire have revised and expanded the global framework and context for the expansion of the U.S. empire, we must recognize that, at a fundamental level, U.S. employers did most of their organizing locally and nationally. Yet employers' racialized visions of managing their workforce were tested in the United States and spread across the globe. In the late nineteenth century, as invaders conquered Native American lands in the name of civilization and troops were transferred from conquest to strike duty, a racial sensibility was embedded in U.S. employers' strategies. It is no coincidence that automatic weapons and dum-dum bullets were used in colonial African conquest and in U.S. labor conflicts before World War I.²⁵

Employers were especially effective in the early twentieth century, when they fought for, and mostly secured, laws and rulings that sharply limited workers' power, such as those criminalizing mass direct action. They had many allies in the legal and political establishment. Throughout the Progressive Era, judges routinely issued injunctions against strikers, police regularly beat and arrested protestors, mayors and governors gave their blessing to the development of repressive antiunion organizations, and employers secured political favors from members of Congress. Throughout this time, employers had plenty of friends in the U.S. Senate, known as the "millionaires club."²⁶

The World War I era brought contradictory impulses that proved both threatening and sustaining to employers. Mass worker uprisings arose during and especially after the war. A more aggressive prolabor agenda emanated from many circles tied to the idea of industrial democracy, and this energized some Progressives. Yet antiunion employer activists opposed pro-union state intervention. Sections of the state at the federal, state, and local levels responded to fears of these unrests by weakening labor rights while elevating and reinforcing conservative unions. Official labor leaders became embedded in a corporatist project together with moderate employers. Labor leaders served as junior partners with management for much of the rest of the twentieth century. And employers worked with the state and some labor officials to repress radical critics in the name of patriotism. This period built significant ties between labor, the state, and U.S. employers' role in the global capitalist system. After World War I, a ferocious counteroffensive allowed employers to manage the threat from labor's challengers, who struggled mightily to expand their democratic voice in the nation's workplaces.²⁷

Radical challenges to employers' power seemed to have been put to rest by the 1920s. The postwar business-led "American Plan"—a patriotic name for union-busting open-shop forces—helped to shrink union membership from 5.1 million in 1920 to 3.6 million by 1929. In many ways, employers' campaign of propaganda included elements that they had put in place years earlier. After the war, they added hyperpatriotism, which took on particular urgency in response to the Bolshevik Revolution. Employers continued to use propaganda while benefiting from draconian injunctions and yellow-dog contracts, which required workers to sign agreements promising not to

join labor unions.²⁸ Core unions survived, but the spirit of insurgency was clearly vanquished.

The Great Depression presented a significant threat to employer power with a resurgence of worker organizing, mass strikes, and radical labor activism. The advent of political support, including New Deal legislation that legitimized unions for the first time in U.S. history, struck employers as an existential threat. Employers reeled from the nod to workers' legal rights expressed in the 1935 National Labor Relations Act (NLRA). Also known as the Wagner Act, it granted a clear right to organize unions and to bargain collectively. It seemed to provide freedom of speech and assembly for workers, many of whom joined the new labor federation, the Congress of Industrial Organizations (CIO), organized by waves of second-generation citizens with more open membership policies than had ever been achieved with the American Federation of Labor (AFL). Workers organized to advance their interest, buoyed by the belief that they had more advantage than at any time in the past.

Many employers did bargain with unions during the New Deal years, but activist employers adapted the tools of repression that had served them in earlier periods. Employers in many sectors of the economy were unwilling to accept the legitimacy of labor legislation, refusing to abandon their cherished belief in managerial control and the open shop. After the U.S. Supreme Court upheld the Wagner Act in 1937, activist employers plied a variety of strategies to contain the union movement. They revived antiunion propaganda formulas and built alliances in communities and at the local, state, and national levels. The Mohawk Valley Formula, an antiunion and antisolidarity strategy that gained notoriety during the 1930s, used enticements and demoralization that updated old National Association of Manufacturers (NAM) programs; in effect, the Mohawk Valley Formula lives on as the key strategy of antiunion consulting firms today. They used alliances with antiunion clergy who shared their animus to labor, reformulated union activists as outside agitators, and established a campaign built initially on the fear that connected socialism, un-Americanism, Soviet influences, and violence with unions. Employers pushed forward the old concept of the right to work as a defensive program and argument for rights of the workers they purported were left out of the New Deal formula. They failed to roll back the labor movement in this period, but the 1930s experience renewed networks that formed the basis

for the future strategies, and employers had some success as their congressional allies investigated labor unions.²⁹

Some historians have trumpeted what they call a labor-liberal alliance during this period that countered employers' power. But even prolabor liberals never fully embraced or fought for the legitimacy of the mass strike, the critical industrial relations weapon that, in many instances, led to the creation of labor unions in the first place. Certainly divisions within the labor movement, expressed most clearly by tensions between the AFL and CIO but also by structures in both federations that impeded militancy and limited radicals' role, allowed employers to apply muscle even during their weakest point of power. Employers constrained the NLRA by bringing cases to limit mass strikes and define who was legitimately represented under the act. The administrative framework of New Deal labor law provided some significant victories for employers during this period, especially those restraining workers' mass picketing and plant occupations. In addition, employers succeeded in limiting entire categories of workers from representation, including agricultural, domestic service, supervisory, and some professional workers.³⁰

World War II renewed employers' organizing even at the height of labor's power. They collectively refused to sign agreements that threatened management decision making; management rights clauses were inserted into union contracts across the country during this time. During the war, as the federal government conferred legitimacy on unions, antiunionists led by the NAM began to refine their strategies. By the end of the war, an effective antiunion campaign eviscerated the NLRA through amendments. These campaigners, by emphasizing "rights" and "the public interest," carried forward lessons learned from the Progressive Era. Antiunionists reenergized and even reinvented terms such as "free enterprise" as a substitute for capitalism and ramped up their championing of right-to-work claims. Some antiunionists formed coalitions with far-Right organizations, including racist groups in the South, but much of the organizing was orchestrated by northern and midwestern manufacturers who presented themselves as freedom-loving Americans victimized by power-hungry unionists. Coupled with a massive legal offensive involving thousands of employers who sought to ensure that the definition of employee was so narrow as to exclude professional and supervisory workers, employers began to lay the groundwork for a new war on labor and the left.³¹

Employers' signal achievement was the Taft-Hartley Act of 1947. This law fulfilled four major goals employers had sought for decades—rooting out radicals, limiting strikes, curtailing mass collective action, and limiting the reach of unionism by outlawing the closed shop with right-to-work provisions. (States could outlaw a requirement to pay dues even after the majority of workers voted for unionization.) Taft-Hartley gave managers a “free speech” right to pressure workers to vote against unions. The law resulted from state-level coalitions organized and led by employers' associations traceable to the Progressive Era.

Much of the South and the West passed right-to-work laws after Taft-Hartley, spurred by an effort to attract business from the unionized Northeast and Midwest. These campaigns, led by antiunion organizations like the Southern States Industrial Council and the Christian American Association, involved strategic cross-regional alliances of businessmen who had successfully lobbied state officials to ensure the creation and maintenance of laws throughout the South, which has traditionally been inhospitable to unions. The exploitation of the South's labor market was at the behest of northern employer activists and involved explicit repression of unions and their advocates.³²

Cold War politics also assisted employers and tamed the opposition during these critical years. Domestic anticommunism and mass strikes in 1946 gave leverage to business-aligned politicians to pass Taft-Hartley, while it assisted conservatives in the labor movement to purge radicals—a process that was already underway in the CIO. This in turn brought more ideological conformity among unions and silenced some of the strongest trade union militants as well. “Never,” proclaimed the editors of *Fortune* magazine in February 1951, “have left-wing ideologies had so little influence in the American labor movement.”³³ After the AFL and CIO merged in 1955, leaders became more committed to cooperating with the state to expand U.S.-led capitalism in what the federation's president, George Meany, called the “American system” of labor relations abroad. This sealed labor's junior partner status in the expansion of U.S. capitalism. Organized labor helped to overthrow governments and counter radical labor federations abroad that failed to comply with capitalist property-rights regimes.³⁴

The flip side of the national security state, which was built during the heyday of New Deal liberalism, was that investments through the state in

durable goods and military production provided the core economy jobs that stabilized the industrial Midwest and promoted the South and West as investment sites even as workers in durable goods found that capital mobility and decentralization from the industrial base in the Northeast put pressure on them. From the 1930s through the 1950s, large corporations like Sears, General Electric, and Ford decentralized their workplaces to escape the uniondense North. Labor stability nationally helped ensure that the United States was the dominant capitalist superpower in the world, and that U.S. leaders helped guarantee that many developing countries were “business friendly.” The liberal–labor alliance failed to produce the kind of leverage from the state to effectively counter employers’ power in subsequent eras. As labor leaders became embedded in the Cold War project that anchored them to U.S. imperialist policies designed to manage and extend capitalism’s spread across the globe, they reduced their capacity to respond to the antiunion forces.³⁵

These same conservative labor leaders were blindsided by employers’ effort in the final decades of the twentieth century to destroy unionism itself. In the late 1960s and 1970s, unionized worker collective bargaining demands and shop-floor discontent helped to put a squeeze on corporate profits. Manufacturers acted concertedly with the state to force unions to accept concessions such as wage cuts and benefit reductions. Unions gradually abandoned the strike weapon, accepted schemes of labor–management cooperation, and continued to count on the election of Democrats to end their troubles. In the later twentieth century, both major parties listened to business and financial interests primarily. Outsourcing, a modular workforce without benefits, which employers labeled innovations, bore similarities to the visions of power asserted but never attained by early open-shop organizers: the ability to retain skilled workers with little social obligation to them.³⁶

Political scientist Adolph Reed has reminded us that what we call neoliberalism is just a term for “capitalism that has effectively freed itself from working-class opposition.”³⁷ Working-class opposition was not absent but was clearly hamstrung by the inheritance of the mid-twentieth-century Cold War perspectives, when unions had been embedded as junior partners of the Democratic Party and had eschewed radical perspectives in favor of corporatism. Although employers were easily organized into a fighting force, labor’s divisions and compromises left it comparatively weak. It is

clear that growing extremes of inequality (now matching that of the late nineteenth century) are the product of the continuing organizing efforts of employers.

Chapter Organization

Employers' strategies for organizing were bound to an ideology of order and to the quest for empire, which our collection's first essay, by Elizabeth Esch and David Roediger, argue was laced with a racial point of view. They suggest that forms of early-twentieth-century workplace supervision were indebted to the legacy of slave management. The "one symptom of originality" in U.S. managerial theory were strategies and perspectives that justified pitting "one race against the other." Employers considered defeating unions as part of the campaign for saving civilization, since unions in their estimation countered the laws of nature that proscribed equality and democracy in the workplace. They also remind us that scientific managers' suggestion that unions could be acceptable if they agreed to reduce ethnic and social solidarity—a kind of hierarchical racialized thinking inherited from slavery.³⁸ Employers drew on a long history of ideological frameworks that made "racial development" synonymous with the most intense repression. Civilization, in most employers' arguments, could be advanced only by reducing the social solidarity. This essay instructs us to think about the personalities, alliances, and worldviews that employers brought to their battles to control the workplace in subsequent generations.

Chad Pearson's essay in [chapter 2](#) shows how organized employers sought to master the craft of strikebreaking and union-busting in the early twentieth century, when the first wave of the open-shop movement emerged. Employers formed groups like the National Founders' Association, the National Metal Trades Association, the National Association of Manufacturers, and hundreds of local manufacturers and citizens' alliances. Employers realized they needed influential friends to maintain production during industrial disputes. This required strikebreakers, and they understood that becoming a scab was not easy. Strikebreakers often confronted the wrath of angry, and often confrontational, protestors. Employers sought to allay this problem by legitimizing union-busting and strikebreaking. They framed their strategies within a rhetoric of "the right to work" and a moral framework that promoted freedom from chaos and disorder. In this respect, they spoke the language of social harmony advocated by many self-styled Progressives, including intellectuals, writers,

and clergy, who eschewed the notions of class interest as a guide to understanding society. They also formed citizens' associations and championed the growth of "independent" labor leagues, to demonstrate that the open-shop movement was a class-neutral campaign led by coalitions of virtuous, law-abiding, ordinary Americans, not by sections of the ruling class. Pearson points out that erasing class from the consciousness of millions of workers was one of organized employers' chief goals. Union-fighting employers sought to mask their class interests as business owners and managers, recognizing the need to build an ideological construct to justify their actions.

In [chapter 3](#), Thomas Klug takes us into the heart of the battle for Detroit by exploring the union-fighting Employers' Association of Detroit—one of the nation's most prominent, urban-based antiunion organizations. Klug explores the employers' path to an open shop in that city in the first decade of the twentieth century, revealing that they were not perfectly united in their struggles against closed-shop unionism. Although they publicly claimed that their organization stood as a united front for open shops, some members actually accepted a limited amount of collective bargaining for the sake of industrial stability. Klug's chapter, based on internal documents not intended for archival deposit, highlights the struggles that took place among employers in 1906 and 1907 as well as their sense of vulnerability. It reveals an influential current within the local employers' movement that cautiously maneuvered to contain, rather than eliminate altogether, the mostly unionized skilled workforce. Nevertheless, employers had forestalled the drive to organize Detroit's critical auto industry. Above all, almost all members remained publicly supportive of the open-shop principle.

Robert Woodrum explores labor-management tensions during World War I in Mobile, Alabama, in [chapter 4](#). Militant workers such as Black longshoreman Ralph Clemmons organized not only his fellows at the port, but also made meaningful connections with female African American laundry workers and cooks. These workers never overcame racial divisions in the city, but they did fashion their own definition of democratic rights and hoped the government might back them. In response, the Marine Employers' Association organized to ensure that federal wartime agencies, such as the U.S. Shipping Board, limited its efforts on behalf of workers' rights. They were determined to weaken the militant African American-led

chapter of the International Longshoremen's Association. As a result, they aggressively promoted their right to employ nonunionists, including White strikebreakers, during disputes. These activist employers gained assistance from the resurgent Ku Klux Klan, which sought to maintain the southern city's racial and class hierarchies. Woodrum's essay illustrates the ways in which antiunion activities profited from Jim Crow laws and from the periodic outbursts of racist vigilantism. In doing so, it expands on Esch and Roediger's recognition that racism was often a core part of employers' antiunion agenda.

Dolores Janiewski shows that employers continued to organize against labor during the turbulent decade of the 1930s in [chapter 5](#). Her essay shows the many ways in which employers sought to thwart New Deal laws such as the National Labor Relations Act (NLRA) and support for labor established in the wake of mass upheaval. Labor's allies used hearings of the Senate's La Follette Civil Liberties Subcommittee, which from 1936 to 1940 investigated violations of the new labor law, to draw attention to employers' violations of workers' rights guaranteed by the NLRA. Employers responded by using congressional allies like Martin Dies and Howard Smith and other agents of the state to support their antiunion agenda and blunt the impact of the La Follette investigations. Dies, the head of the House Committee on Un-American Activities, launched in 1938, and Smith, author of the 1940 Smith Act, which targeted militant activists by tarring them with radicalism and violence, helped employers' tremendously. Employers' activism was the core element that lurked as a factor in these years of Red-hunting investigations, diverting attention from employer repression. Janiewski, pivoting between Washington, D.C., and California, tracks the roles played by employers' allies, including media representatives as well as city and state police forces. In the process, she reveals the significance of public-private partnerships and local organizing. Janiewski shows how employers used the state as a lever against the insurgent labor movement.

Rosemary Feurer's essay ([chapter 6](#)) reveals employer organizing in these public-private partnerships from the bottom up by focusing on the long career of a leading purveyor of strikebreaking and union avoidance in the Midwest, A. A. Ahner. Ahner's story reveals how employers and their allies benefited from a long experience in antilabor and antiradical organizing as they tested and countered the revived labor movement in the

1930s. Ahner's earlier career was not so diametrically distinct from his later one. All the elements associated with the briefcase era, she suggests, were descended from older strategies that adjusted with the La Follette Committee investigations, when the labor movement was rife with internal divisions and liberals were unable or unwilling to defend a clear free-speech right for workers. Ahner relied on both conservatives and liberals, as well as labor allies, to adjust to changing circumstances. Feurer's essay suggests that we need to more critically examine connections between pre- and post-New Deal antiunionism and rejects the notion that we can only understand antiunionism in the mid-twentieth century by looking South.

Howard Stanger also considers antiunionism activism in a broad historical context in [chapter 7](#). Stanger explores employer organizing in the Columbus, Ohio, printing industry. His essay shows that even in areas considered solid union territory, employer activism flourished. He takes a long view of this story in his close analysis of this midwestern city, and in doing so he provides insights into how long-term employer praxis mattered. Even as unions reached the height of organizational clout, employers continued to organize to constrain labor. For decades, the Columbus Typothetae had held its own unique local imprint, skirting the open-shop boundaries set by national antiunion organizations. Like Thomas Klug, Stanger argues that employers faced obstacles to creating a unified approach even in a single industry, putting significant limits on what employer-activists could, or in his case wanted to, impose. For the first part of the twentieth century, antiunionism did not unite all printer employers as it did in other industries and regions. It was only after World War II, at the height of the most stable period of union accommodation in the industry and in the country, that the employers of Columbus embraced a more belligerent antiunion strategy. Stanger provides guidance on how their strategy emerged. The case of the Columbus printers forces us to think in new ways about periodization and geography. Policies deployed in an earlier time and in other industries eventually came to Columbus. Stanger's chapter also prompts us to examine the Midwest in new ways, reminding us that this region, the birthplace of the open-shop movement in the Progressive Era, remained an important testing ground for strategies in the postwar era.

Michael Dennis, in [chapter 8](#), shows us clearly how the United Food and Commercial Workers (UFCW) was unable to combat the lopsided power

mounted against their effort to organize workers at Food Lion, a grocery store in Hampton Roads, Virginia, in the early 1990s. From the beginning of the drive, it was clear that a majority of workers wanted to belong to the union, but employers benefited from mechanisms designed by antiunion consultants and thus frustrated UFCW efforts to organize. The UFCW union campaign occurred at a time when employers were more and more concerned with cutting labor costs than adopting other managerial solutions. In this context, employers capitalized on a legal landscape that shared similarities with the early twentieth century, and the union spent millions of dollars within the boundaries of that system. All the ideological constructs of the previous century were brought home in the campaign, including intimidation, fear, and linking collective action as stemming from “outside agitators.” Dennis shows that employer determination supported by the state were the chief reasons for management’s victory. Dennis’s essay shows that labor’s reliance on legal strategies in the end produced the loss that was embedded in the postwar order, while businessmen were able to skirt the boundaries of the law to produce the result they intended.

Peter Rachleff concludes the collection with a summary and reflection on the essays, as well as a consideration of the continuing growth of employer organizing, including recent employer campaigns to further weaken—even eliminate altogether—organized labor. He helps us further reflect on the conditions that brought about the increased strength of employers. But all is not hopeless for union supporters. If we attune ourselves to the essays in the volume, Rachleff suggests, we can see that employers were never all-powerful, never fully in control, but rather always part of a history constructed from above and from below. Despite much effort by pundits who suggest that the “new economy” and globalization decenters employer activism in the United States, one has only to look to the national, state, and local activism inhering in the American Legislative Exchange Commission to recognize how much employer activism remains central. The question to be answered is whether forces from below will develop a counterstrategy that might contest the power of employer activism in the way that workers did in earlier periods.

Notes

1. For a useful assessment of the “new” history of capitalism, see Jeffrey Sklansky, “Labor, Money, and the Financial Turn in the History of Capitalism,” *Labor: Studies in Working-Class*

History of the Americas 11 (Spring 2014): 23–46. See also Jean-Christopher Agnew, “Afterward: Anonymous History,” in Michael Zakim and Gary J. Kornblith, eds., *Capitalism Takes Command: The Social Transformation of Nineteenth-Century America* (Chicago: University of Chicago Press, 2012). In defining the need for this new field of studying capitalism, much of the rich history of social class relations embedded (and, yes, sometimes buried) in labor history works has been ignored by much of this new scholarship. Historians of the “new” capitalist history have criticized labor history for its focus on workers’ agency, suggesting this has been a romantic distraction from structures of power. In fact, there is a large body of work in labor history that is concerned with these issues. However, much remains to be done to enhance the intersections of these fields, and to incorporate history of political and social repression, gender and other dimensions.

2. Larry G. Gerber, “Shifting Perspectives on American Exceptionalism: Recent Literature on American Labor Relations and Labor Politics,” *Journal of American Studies* 31 (August 1997), 270; Clarence E. Bonnett, *Employers’ Associations in the United States: A Study of Typical Associations* (New York: Macmillan, 1922); Christopher J. Cyphers, *The National Civic Federation and the Making of a New Liberalism, 1900–1915* (Westport, CT: Praeger, 2002). For more on how small and medium-sized antiunion employers operated, see Philip Scranton, *Figured Tapestry: Production, Markets, and Power in Philadelphia Textiles, 1885–1941* (Cambridge, UK: Cambridge University Press, 1989); Howell John Harris, *Bloodless Victories: The Rise and Fall of the Open Shop in the Philadelphia Metal Trades, 1890–1940* (Cambridge, UK: Cambridge University Press, 2000); and Daniel R. Ernst, *Lawyers against Labor: From Individual Rights to Corporate Liberalism* (Urbana: University of Illinois Press, 1995). Core insights on this literature are available in Sanford M. Jacoby, *Employing Bureaucracy: Managers, Unions, and the Transformation of Work in American Industry, 1900–1945* (New York: Columbia University Press, 1985), 69; Daniel Nelson, *Managers and Workers: Origins of the Twentieth-Century Factory System in the United States, 1880–1920* (Madison: University of Wisconsin Press, 1995 [1975]), 129; Vilja Hulden, “Employers, Unite! Organized Employer Reactions to the Labor Union Challenge in the Progressive Era” (Ph.D. diss., University of Arizona, 2011); Chad Pearson, *Reform or Repression: Organizing America’s Anti-Union Movement* (Philadelphia: University of Pennsylvania Press, 2016).

3. Core studies melded a modernization and corporate liberal thesis framework, including especially Ronald Schatz, *Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923–1960* (Urbana: University of Illinois Press, 1983); Robert H. Wiebe, *Businessmen and Reform: A Study of the Progressive Movement* (Chicago: Quadrangle Books, 1968), 20; James Weinstein, *The Corporate Ideal of the Liberal State, 1900–1918* (Boston: Beacon, 1968); Sanford Jacoby, *Modern Manors: Welfare Capitalism since the New Deal* (Princeton, NJ: Princeton University Press, 1998); and Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America’s Public-Private Welfare State* (Princeton, NJ: Princeton University Press, 2003); Colin Gordon, *New Deals: Business, Labor and Politics in America, 1920–1935* (Cambridge, UK: Cambridge University Press, 1994). For the postwar accord thesis, see, for example, Samuel Bowles, David M. Gordon, and Thomas E. Weisskopf, *Beyond the Wasteland: A Democratic Alternative to Economic Decline* (Garden City, NY: Anchor Doubleday, 1983), 73; Richard A. Lester, *As Unions Mature: An Analysis of the Evolution of American Unionism* (Princeton, NJ: Princeton University Press, 1966), 33. Mark S. Mizruchi has recently defended a version of the postwar accord and corporate liberal argument in *The Fracturing of the American Corporate Elite* (Cambridge, MA: Harvard University Press, 2013), esp. 86–89.

4. Howell John Harris, *The Right to Manage: Industrial Relations Policies of American Business in the 1940’s* (Madison: University of Wisconsin Press, 1982); Elizabeth Fones-Wolf, *Selling Free Enterprise: The Business Assault on Labor and Liberalism, 1945–60* (Urbana: University of Illinois Press, 1995); Kim Phillips-Fein, *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan* (New York: W. W. Norton, 2009); Nelson Lichtenstein, *The Retail*

Revolution: How Wal-Mart Created the Brave New World of Business (New York: Metropolitan, 2009).

5. Andrew W. Cohen and Robert D. Johnston have portrayed small businessmen in the Progressive Era as less reflexively antiunion and occasionally even mildly supportive of some union activities. Andrew W. Cohen, *The Racketeer's Progress: Chicago and the Struggle for the Modern American Economy, 1900–1940* (Cambridge, UK: Cambridge University Press, 2004), 52. Robert D. Johnston, *The Radical Middle Class: Populist Democracy and the Question of Capitalism in Progressive Era Portland, Oregon* (Princeton, NJ: Princeton University Press, 2003), 67–80. See also Jeffrey Haydu, *Citizen Employers: Business Communities and Labor in Cincinnati and San Francisco, 1870–1916* (Ithaca, NY: Cornell University Press, 2008).

6. Phillips-Fein, *Invisible Hands*; Elizabeth Tandy Shermer, *Sunbelt Capitalism: Phoenix and the Transformation of American Politics* (Philadelphia: University of Pennsylvania Press, 2013); Nelson Lichtenstein and Elizabeth Tandy Shermer, eds., *The Right and Labor in America: Politics, Ideology, and Imagination* (Philadelphia: University of Pennsylvania Press, 2012); Kevin Kruse, *One Nation under God: How Corporate America Invented Christian America* (New York: Basic Books, 2015).

7. Steve Fraser and Gary Gerstle used this framework in *The Rise and Fall of the New Deal Order, 1930–1980* (Princeton, NJ: Princeton University Press, 1989). Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919–1939* (Cambridge, UK: Cambridge University Press, 1989). See William Domhoff, *The Myth of the Liberal Ascendancy Corporate Dominance from the Great Depression to the Great Recession* (New York: Paradigm, 2013), for a critique of the liberal labor coalition in politics.

8. Quoted in Sidney Fine, “Without Blare of Trumpets”: Walter Drew, the National Erectors’ Association, and the Open Shop Movement, 1903–57 (Ann Arbor: University of Michigan Press, 1995), 272.

9. Shelton Stromquist, *Re-Inventing “The People”: The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006), 4. Historian Christopher Tomlins showed that elite reformers were particularly uncomfortable with the “rambunctious and unpredictable” masses. See Christopher Tomlins, “Necessities of State: Police, Sovereignty, and the Constitution,” *Journal of Policy History* 20 (Winter 2008), 60. See also David Huyssen, *Progressive Inequality: Rich and Poor in New York, 1890–1920* (Cambridge, MA: Harvard University Press, 2014). For more recent history, see Lance Selfa, *The Democrats: A Critical History* (Chicago: Haymarket, 2008); and Nichole Aschoff, *The New Prophets of Capital* (London: Verso, 2015), 36–37, 42–75.

10. Political scientists Cathie Jo Martin and Duane Swank, *The Political Construction of Business Interests: Coordination, Growth, and Equality* (Cambridge, UK: Cambridge University Press, 2012), highlight this inquiry.

11. Key works that see organized employers in a class formation framework include Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie* (Cambridge, UK: Cambridge University Press, 2001); Steve Fraser and Gary Gerstle, eds., *Ruling America: A History of Wealth and Power in a Democracy* (Cambridge, MA: Harvard University Press, 2005); and Phillips-Fein, *Invisible Hands*. See Rosemary Feurer, *Radical Unionism in the Midwest, 1900–1950* (Urbana: University of Illinois Press, 2006), chapter 1, for the concept of a militant minority of businessmen. Also see Andrew Herod, *Labor Geographies: Workers and the Landscapes of Capitalism* (New York: Guilford, 2001); Don Mitchell, *The Lie of the Land: Migrant Workers and the California Landscape* (Minneapolis: University of Minnesota Press, 1996). On capital mobility, see Jefferson Cowie’s *Capital Moves: RCA’s Seventy-Year Quest for Cheap Labor* (Ithaca, NY: Cornell University Press, 1999); and Beth English, *A Common Thread: Labor, Politics, and Capital Mobility in the Textile Industry* (Athens: University of Georgia Press, 2006). No previous work traces aggregate employer organizing and the broader struggle to control the political economy across the breadth of time covered in this volume.

12. *Synopsis of the Proceedings of the Twelfth Annual Convention of the National Metal Trades Association*, 13–14 April 1910: 61–62. Also see A. J. Allen, “Business Organization Is Necessary,” *American Employer* 1 (September 1912), 89; David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (Cambridge, UK: Cambridge University Press, 1987), 176.

13. There is no overarching history of employer involvement in antiradical campaigns, but they were the core constituent in each era. A sample of relevant literature includes Michael Rogin, *Ronald Reagan, the Movie, and Other Episodes in Political Demonology* (Oakland: University of California Press, 1988); William Millikan, *A Union against Unions: The Minneapolis Citizens Alliance and the Fight against Organized Labor, 1903–1947* (Minneapolis: Minneapolis Historical Society Press, 2001); Charles H. McCormick, *Seeing Reds: Federal Surveillance of Radicals in the Pittsburgh Mill District, 1917–1921* (Pittsburgh, PA: Pittsburgh University Press, 1997); Chad Pearson, “Fighting the Red Danger: Employers and Anti-Communism,” in *Anti-Communism and Political Repression in the United States, 1921–1946*, ed. Robert Justin Goldstein (Burlington, VT: Ashgate, 2014); Ellen Schrecker, “McCarthyism’s Ghosts: Anticommunism and American Labor,” *New Labor Forum* (Spring–Summer 1999), 7–17.

14. William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge, MA: Harvard University Press, 1989) remains the leading work.

15. Gerald Friedman provides a straightforward formulation: “radical unions need a state that respects civil liberties.” That was not the nature of the U.S. state in respect to labor activists in the critical periods of union-building: Gerald Friedman, *State-Making and Labor Movements: France and the United States, 1876–1914* (Ithaca, NY: Cornell University Press, 1998), 146.

16. See Kim Moody, *Workers in a Lean World: Unions in the International Economy* (London: Verso, 1997), 119–23; and the Rachleff essay in this collection.

17. Marcel van der Linden, “Re-constructing the Origins of Modern Labor Management,” *Labor History* 51 (November 2010): 509–22; Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore, MD: Johns Hopkins University Press, 2009); Seth Rockman, “The Unfree Origins of American Capitalism,” in Cathy Matson, ed., *The Economy of Early America* (University Park: Pennsylvania State University Press, 2006), 359–60.

18. W. E. B. Du Bois, *Black Reconstruction in America* (New York: Russell and Russell, 1963 [1935]), 55–83; David Roediger, *Seizing Freedom: Slave Emancipation and Liberty for All* (London: Verso, 2014); and Mark A. Lause, *Free Labor: The Civil War and the Making of an American Working Class* (Urbana: University of Illinois Press, 2015).

19. David R. Roediger and Elizabeth D. Esch, *The Production of Difference: Race and the Management of Labor in U.S. History* (Cambridge, UK: Oxford University Press, 2012), 63; Elizabeth Dale, *Criminal Justice in the United States, 1789–1939* (Cambridge, UK: Cambridge University Press, 2011), 110; William Cohen, *At Freedom’s Edge: Black Mobility and the Southern White Quest for Racial Control, 1861–1915* (Baton Rouge: Louisiana State University Press, 1991), 31; Rebecca McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge, UK: Cambridge University Press, 2008); David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market during the Nineteenth Century* (New York: Cambridge University Press, 1994), 71–83.

20. Montgomery, *Citizen Worker*; Christopher Tomlins, ed., *Labor Law in America: Historical and Critical Essays* (Baltimore, MD: Johns Hopkins University Press, 1992); Roediger and Esch, *Production of Difference*. The literature on workers’ uprisings and politics in this era is vast. Montgomery, *Fall of the House of Labor*, remains the best guide.

21. Patricia Cayo Sexton, *The War on Labor and the Left: Understanding America’s Unique Conservatism* (Boulder, CO: Westview Press, 1991). Robin Archer, *Why Is There No Labor Party in the United States?* (Princeton, NJ: Princeton University Press, 2007), points to employer and state

repression as a key difference between the United States and Australia. For workers who were being repressed by injunctions, political favor, local police, U.S. marshals, or federal troops, the state did not seem weak at all, but rather a steadfast ally of the employer.

22. John Jentz and Richard Schneirov, *Chicago in the Age of Capital: Class, Politics, and Democracy during the Civil War and Reconstruction* (Urbana: University of Illinois Press, 2012), 179–86; Kim Voss, *The Making of American Exceptionalism: The Knights of Labor and Class Formation in the Nineteenth Century* (Ithaca, NY: Cornell University Press, 1993), esp. 202–5; Theresa A. Case, *The Great Southwest Railroad Strike and Free Labor* (College Station, TX: Texas A&M Press, 2010); and Friedman, *State-Making and Labor Movements*; Beverly Silver, *Forces of Labor: Workers Movements and Globalization since 1870* (Cambridge, UK: Cambridge University Press, 2003), esp. 98; Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: Norton, 2011); and Kenneth Casebeer, ed., *American Labor Struggles and Law Histories* (Durham, NC: Carolina Academic Press, 2011).

23. Eliot quoted in Marcus O'Brien, "Reply to President Eliot," *Railway Conductor* 21 (July 1904), 484.

24. Sam Mitrani, *The Rise of the Chicago Police Department: Class and Conflict, 1850–1894* (Urbana: University of Illinois Press, 2014); Frank Donner, *Protectors of Privilege: Red Squads and Police Repression in Urban America* (Berkeley: University of California Press, 1992); Gerda W. Ray, "From Cossack to Trooper: Manliness, Police Reform, and the State," *Journal of Social History* 28 (Spring 1995), 565–86.

25. Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (Norman: University of Oklahoma Press, 1992), 88–122; Richard Slotkin, "Signifying on the Little Big Horn," in C. E. Rankin, ed., *Legacy: New Perspectives on the Battle of the Little Bighorn* (Helena: Montana Historical Society Press, 1996), 287–306; and Anthony DeStefanis, "Guarding Capital: Soldier Strikebreakers on the Long Road to the Ludlow Massacre" (Ph.D. diss., College of William and Mary, 2004), 175.

26. Jerry M. Cooper, "The Army as Strikebreaker—the Railroad Strike of 1877–1894," *Labor History* 18 (Spring 1977): 179–96; Sidney L. Harring, *Policing a Class Society: The Experience of American Cities, 1865–1915* (New Brunswick, NJ: Rutgers University Press, 1983); Forbath, *Law and the Shaping of the American Labor Movement*; Ernst, *Lawyers against Labor*; Fine, "Without Blare of Trumpets." More recently, Cedric De Leon, *The Origins of Right to Work: Antilabor Democracy in Nineteenth-Century Chicago* (Ithaca, NY: Cornell University Press, 2015), has argued that political parties played the key role in shaping antiunion legislation in the era of the Civil War. He elides employers' central contribution to this dynamic. On the NAM's relationship with politicians, see "Manufacturers Make Laws through Puppets," *Labor World*, 5 July 1913, 3.

27. Shelton Stromquist, *Reinventing "The People": The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006); Nelson Lichtenstein and Howell John Harris, eds., *Industrial Democracy in America: The Ambiguous Promise*, esp. essays by David Montgomery, Howell John Harris, and Joseph A. McCartin; Elizabeth McKillen, *Making the World Safe for Workers: Labor, the Left, and Wilson Internationalism* (Urbana: University of Illinois Press, 2013). Joseph McCartin shows Wilson's administration as split between intense support for workers and repression of workers in *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912–1921* (Chapel Hill: University of North Carolina Press, 1997). On the postwar red scare, see, among other works, M. J. Heale, *American Anticommunism: Combating the Enemy within, 1830–1970* (Baltimore, MD: Johns Hopkins University Press, 1990), 83; Millikan, *Union against Unions*. On union collaboration with employers against radicals, see Paul Buhle, *Taking Care of Business: Samuel Gompers, George Meany, Lane Kirkland, and the Tragedy of American Labor* (New York: Monthly Review Press, 1999).

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33. Quoted in Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore, MD: Johns Hopkins University Press, 1990), 20. On communist organizing and the resistance the left faced, see Judith Stephan-Norris and Maurice Zeitlin, *Left Out: Reds and America's Industrial Unions* (Cambridge, UK: Cambridge University Press, 2003); Lisa Phillips, *A Renegade Union Interracial Organizing and Labor Radicalism* (Urbana: University of Illinois Press, 2012); and Feurer, *Radical Unionism*, chapter 6.

34. See particularly the work of Kim Scipes, *AFL-CIO's Secret War against Developing Country Workers: Solidarity or Sabotage* (Lanham, MD: Lexington, 2010); Elizabeth McKillen, "Foreign Policy" in the *Encyclopedia of U.S. Labor and Working-Class History*, ed. Eric Arnesen (New York: Routledge, 2007).

35. Leo Panitch and Sam Gindin, *The Making of Global Capitalism: The Political Economy of American Empire* (London: Verso, 2012).

36. See Moody, *Workers in a Lean World*, 119–23; Douglas Fraser to Labor-Management Group Member, 17 July 1978, reproduced at <http://www.historyisaweapon.com/defcon1/fraserresign.html>.

37. Adolph Reed, "Nothing Left: The Long Slow Surrender of American Liberals," *Harper's Magazine*, March 2014, 28–36. See also Panitch and Gindin, *Making of Global Capitalism*.

38. Chris Nyland and Kyle Bruce, "Democracy or Seduction? The Demonization of Scientific Management and the Deification of Human Relations," in *The Right and Labor in America: Politics, Ideology, and Imagination*, ed. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia: University of Pennsylvania Press, 2012), offer an opposing view of Taylorists.

1 Scientific Management, Racist Science, and Race Management

ELIZABETH ESCH AND DAVID ROEDIGER

John R. Commons, the staid liberal reformer who founded academic labor history in the United States, and Ernest Riebe, the fighting cartoonist of the Industrial Workers of the World (IWW), doubtless had little in common politically. Commons supported American Federation of Labor-style unionism, worrying when its limited social goals strayed beyond collective bargaining. Riebe offered to IWW publications the adventures of Mr. Block. The Block character was a clueless, conformist antihero whose sufferings resulted from his misplaced faith in the beneficence of capitalists, politicians, and police, a faith that workers would have to shed to make a revolution. And yet Riebe and Commons shared an understanding of the relationship between race and the management of labor, one that seemed crystal clear to them as early-twentieth-century observers of U.S. workplaces. Both Riebe and Commons addressed the significance of belief in racial difference for workers to divide themselves from one another in the name of racial supremacies and the prizes attached to winning the racial competition. In 1907 Commons's *Races and Immigrants in America* argued, well after Frederick Winslow Taylor had marketed scientific management, that U.S. management had shown just one "symptom of originality," namely "playing one race against the other." Six years later Louisiana lumberjacks struggling for a union would laugh bitterly over a Mr. Block strip wonderfully named "He Meets Others." In the strip, a well-dressed manager circulates from one racialized group of workers to another—Anglo-Saxon, Irish, German, Italian, Chinese, Polish, and Black. Drawn to

resemble Mr. Block, these various others are played against one another by the manager. The boss threatens and cajoles them to greater competition and exertion by linking appeals to masculinity and fears of joblessness to racial and national divisions. The management-by-race of various European groups exists along a continuum shared by Black and Asian workers but, Riebe shows, the threat of joblessness is coupled with threats of total exclusion where workers of color are concerned. By the last frame, the manager is unworried about unions as he reclines peacefully, having succeeded in getting the various workers to work frantically while swapping racial slurs.¹

MR. BLOCK

HE MEETS OTHERS



Mr. Block cartoon of 1913 in which a manager pits one racialized worker against another.

This essay is concerned with the role of management in creating, naming, and promoting competition and segregation among workers on the basis of multiple varieties of racial differences in the last decades of the nineteenth century and first decades of the twentieth. In raising the problem of belief in racial difference—especially as it was attributed to skill—for worker solidarity and resistance, it outlines how divide-and-conquer tactics forestalled solidarity.

Managers, so central to the racial functioning of the workplace in the narratives offered by Commons and Riebe, appear too episodically in accounts of the history of White supremacy and class in U.S. history. If we take seriously Marx's observation that capital necessarily implied the capitalist himself, formed into a "personality" opposing and extracting labor, serious study of how race thinking informed the capitalist personalities embodied in various levels of management must occur. Managers, we argue, were never outside the U.S. racial system and in many ways made that system. Further, the degree to which factory management understood itself as possessing racial knowledge links it to, rather than distinguishes it from, the management of work under slavery. For us, the separation of slavery from the mainstream of both labor and economic history leads to impoverished accounts that suppose there was no sustained literature on the management of labor until the 1880s. Yet the outpouring of antebellum studies on managing slaves, and even on managing slaves "scientifically," reveals how deeply entwined racial and managerial knowledge had already become. However underexplored, links between race and management are profound. Commons's striking connection of the cutting edge of management with the bloody history of race contrasts sharply with the bloodless efficiency of stopwatches and assembly lines that dominate our thinking and that often focused the hopes of progressive reformers like Commons himself, who at another time himself called scientific management "the most productive invention in the history of modern industry."²

Marxists have both participated in and challenged the failure to see the ways race shaped and reflected the managerial personality, which functioned in the workplace as the daily representative of capital. Marx himself, of course, far transcended the racial determinisms of his time, seeing social differences, and not biology, as fundamentally producing racial divisions. Indeed Riebe's cartoon exemplifies this contribution from

the Marxist tradition. Moreover, Marx generated sharp insights into the role of racial slavery in stultifying class consciousness within the White U.S. working class and of anti-Irish animus in dividing British workers. The best accounts of the origins of White supremacy, of the relations of the slave trade and slavery to capitalist development and of race and labor in Reconstruction after the Civil War, come from the Marxist tradition.³

Within the industrial history of the United States, the uneven but significant Marxist influence on labor history has helped make available management's role in structuring the history of race, class, and antiunionism in the United States. At the same time, Marx's classic descriptions of the working day and the labor process tended not to discuss racial division. Within labor history, the work most systematically examining the managerial use of race to divide workers is on the deep and border South in the late nineteenth and early twentieth century. When such division is foregrounded, the emphasis is on the role of race in undermining political unity and trade union solidarity, especially during strikes. While these regional and thematic emphases treat important issues, they tend to miss the role of race management in the daily extraction of production.⁴ The two most influential studies of the innovations and peculiarities of U.S. management by Marxists follow the lead of Marx's own writings on the labor market and the labor process in paying scant attention to racial divisions. In the classic Marxist works on management, race is either little present, in the case of Harry Braverman's important work, or transcended definitively by capital, in that of Antonio Gramsci. Even the provocative sections on management in C. L. R. James's *American Civilization* are silent on race.⁵

The most searching critique building on Marxism, but seeking to transcend the tendency of Marxist scholars to divorce labor from the specifically racialized bodies and histories of those performing it, remains the opening chapter of Lisa Lowe's *Immigrant Acts*. Lowe shows the stakes involved in a theoretical challenge to abstractions practiced in the name of materialism and even at times of interracialism. She powerfully demonstrates why Marxism is indispensable for us and why too much of Marxist scholarship has been slow to apprehend the specific history of the United States where race, capital, and class are concerned. Lowe argues that Marxism has too often stopped at allowing for race-making processes like the slave trade and the seizing of native lands only in an early period of

primitive accumulation, though race-making continued to matter greatly in the history of capitalism. She insists that in the world's most developed capitalist nation the connection of race and exploitation persisted and ramified, driving the accumulation of capital and shaping subsequent strategies of rule. "In the history of the United States," Lowe writes, "capital has maximized its profits not through rendering labor 'abstract' but precisely through the social productions of 'difference,' ... marked by race, nation, geographical origins, and gender." It will not do, of course, to simply turn things over and make management all about race. But Commons was right that race hovered over and permeated the processes through which U.S. labor was chosen and bossed. "Race management" came into being far earlier than scientific management, and the two for a time coexisted as complementary rather than alternative strategies to extract production and profit.⁶ Trade unionists' tendency to choose one of two paths—either race mattered or it did not—often generated inadequate responses to the elaborate and historically rooted system of racial management that complemented the more obvious changes being brought to workplaces by scientific management techniques. Antiunion forces could thus avoid explaining their failures to attack shop-floor reform in the name of protecting the racial interests of those identified with skill and traditional ideas of worker control.

Antiunion references to past practice and tradition thus implicitly but often explicitly naturalized race and racial hierarchies and implied that such structures served workers' interests. While we turn to Commons's formulation as important, we also recognize that, in underplaying the broad connections between racial knowledge and management, he did not offer a clear antiracist analysis for labor historians. Racial competition functioned as one important moment and motive in linking management and race, but the larger idea of a hierarchically understood process of racial development undergirded slavery, settler expansion, and industrial capitalist growth, making the ability to manage other races a distinctly White contribution to civilization.⁷ In our larger study of this vast topic, *The Production of Difference: Race and the Management of Labor in U.S. History*, we begin with the relationships of settler colonialism and especially of slavery to the management of work. A second section details the ways late-nineteenth- and early-twentieth-century imperialism sent into the world not only capital and soldiers but also U.S. mining engineers and other managers whose

claims to expertise turned on their supposed knowledge of race and racial development and their experience with exploiting racial divisions among workers.⁸ In that transnational section of the larger work we are able to demonstrate how such techniques were applied via colonial knowledge and practice, a fact that seems to make their impacts more legible to scholars who do not seem as able to see such dynamics at work in the United States itself. That is where we turn in the third and final section of that study and that we adumbrate here, considering how the most enlightened U.S. industrial managers countenanced and furthered the playing of races against each other. We deploy the term “race management” in a manner focused on the workplace and the extraction of production, though we acknowledge that race also was inextricably and compellingly connected to the management of resistance and of sexuality. As an examination of the managerial—capitalist—side of the history of racial hierarchy and labor extraction, this essay suggests its importance to studies of union organizing and shop-floor resistance but does not pursue them. Still, race management winds up being a complex term, at some moments simply involving competition among races and at others making claims to know the fitness of certain peoples for certain jobs and to develop “lower” races by fitting them into, and disciplining them through, certain types of labor.⁹

Race management eerily coexisted with scientific management. Even the famous example that Taylor himself used to educate the public about his system’s ability to create “high-priced men”—by selecting them studiously and regimenting their motions scientifically—suggests overlap between managerial science and race management. In the example, even as he insisted that the key to effective management was to remake individuals, Taylor chose “Schmidt” as the exemplar of a new regimen for labor. In the movement of an abandoned stock of pig-iron suddenly made valuable by the Spanish-American-Cuban-Philippines War, Taylor urged an almost fourfold increase in productivity and made Schmidt the human face, and pseudonym, for such an advance. In reality, the model worker’s name was actually the less stereotypically German “Noll”; the switch reflected a penchant for ethnic typing that elsewhere had Taylor discoursing on the “Patrick” type for Irish American workers. In the famous pig-iron example Taylor adjusted rhetoric and practice with racial attributes in mind. After first experimenting with “large, powerful Hungarians” to affect the speedup, Taylor turned to a racial image of doggedness rather than brute

force. The name Schmidt as well as Taylor's description emphasized that the worker's agreement to submit to the new system, in exchange for higher pay, and his ability to produce flowed in part from his membership in the German race. Schmidt embodied the strength, persistence, and love of savings thought by Taylor to be peculiarly concentrated in the Pennsylvania Dutch, as Germans in the area were called.¹⁰

In other ways, too, Taylor engaged race as he revolutionized management. In replying to socialist novelist Upton Sinclair's critique of his celebrated "Principles of Scientific Management" article in 1911, Taylor cast matters globally in a way that suggested familiarity with Herbert Hoover's articles, and ratios, on transnational engineering: "the one element more than any other which differentiates civilized from uncivilized countries ... is that the average man in one is five or six times as productive as [in] the other." More incredibly still, Taylor's use of race management found its way, well almost, into the classic work of African American sociology of the early twentieth century, W. E. B. Du Bois's *The Philadelphia Negro*. Du Bois mentions Midvale Steel, test case for the original outdoorizing of Taylor's managerial techniques, as one rare Philadelphia industrial workplace in which African Americans could work in large numbers at the end of the nineteenth century. Du Bois credited a manager "whom many dubbed a 'crank,'" for the opportunities at Midvale. The sociologist E. Digby Baltzell identified that crank as Taylor in introducing a reissue of Du Bois's classic decades later. The social historians Walter Licht and Jacqueline Jones later added their own brief accounts, emphasizing that Taylor's hatred of ethnic solidarity and of on-the-job drinking at Midvale had led him to introduce African American workers across the plant in a move designed to undermine unity within work gangs and to increase productivity. Apparently even as Midvale workers called him a "nigger driver" for speeding up work, Taylor integrated the labor force significantly. Subsequent managers segregated Midvale, with Black workers who remained all but confined to specific departments.¹¹

Taylor's racial logic in the Schmidt example, and his use of Black workers at Midvale, did not run through the whole of his writing. It is true that, despite his abolitionist upbringing, he occasionally professed a belief in Black inferiority and that he was capable of glorying that when "American" laborers moved up to operate machines, "the dirt handling is

done by Italians and Hungarians.”¹² But more frequently, his desire to uproot the arbitrary power of foremen and other petty bosses placed Taylor among those management experts whose formal system left the least room for day-to-day uses of stormy racial competition to extract production by playing races against each other. He more and more marketed his management style as based on scientific expertise in manipulating processes and not racialized bodies.¹³ But more broadly, the race thinking that informed Taylor’s presentation of his new system by introducing listeners and readers to Schmidt, and his diffidence in pursuing the matter, did comport with larger patterns that saw race management survive, and even expand, in the early years of the era of scientific management. In short, and tellingly, race was much discussed but seldom systematically investigated at the higher reaches of management theory even as race management was practiced daily by foremen with little recourse to theory. As David Montgomery has written of the period in which scientific management flowered, “all managers seem[ed] to agree” with International Harvester’s H. A. Worman that “each race has aptitude for certain kinds of work,” though Montgomery slyly—and as we shall see, weightily—adds that they could disagree utterly about “which ‘race’ was best for what.” Montgomery further observed that the trend toward personnel management as a complement to Taylorism specifically “extended the purview of scientific management from the factory itself to the surrounding community,” a development that “flowed directly from the concern with recruiting from specific ethnic groups.”¹⁴

Montgomery was right about both the ubiquity and durability of race management on the one hand and its haphazardness about which races performed best in what jobs on the other. Race was said to matter enormously in slotting workers into jobs, but the evidence on this decisive managerial decision was fully offhand, describing rather than studying practices. In 1915 an iron industry journal went so far as to challenge the adequacy of the very term “common labor” on the grounds that “such labor is racial,” so that iron and steel actually did not compete in recruiting employees with other branches of industry. “Immigrants of some races,” it continued, “turn chiefly to agriculture, some to the vending of fruit, others to the making of clothing, and others seek the coke works, blast furnaces and steel mills.” At rare times, management literature specified which races should be slotted into which jobs. John Williams, who presided over the

Philadelphia Association for the Discussion of Labor Problems, wrote during World War I that in fabricating, men grinding steel ought to be “Polish, Lithuanians or Americans.” Finishers were to be Italian or American girls (and, or perhaps therefore, “not flirty”) and forgers either Americans or “American Poles.” The psychologist Eliott Frost declared race and nationality the centerpieces of personnel management and added this seat-of-the-pants science: “The Jew, for instance, demands an arrangement in which he can bargain. He is continually thinking of how much he is receiving for his labor. ... The Italian’s highly emotional nature lends itself readily to directions by the organizers. It is the testimony of the executives that he cannot be trusted without reservations, and that he is apt to be sullen and moody. The German workman is of placid disposition, loves detail, is particularly effective on precision work. The Pole and Croat usually do the dirty work in the plant.”¹⁵

A chart elaborately ranking three dozen immigrant races according to their fitness for three dozen job types and conditions, posted at Pittsburgh Central Tube in 1925, assembled a much more impressive number of opinions, but only opinions, systematizing a huge factory and the peoples in it in upward of a thousand multicolored squares. Here again judgments were extremely crude, gathering up managerial and professional folklore and summing up existing prejudices and practices. Italians, according to the Pittsburgh chart, allegedly excelled with pick and shovel but could not handle serving as helpers for engineers. Armenians ranked “good” in none of the twenty-two job categories listed and rose to fair only once: wheelbarrow. “Americans, White” could do any job fairly well and excelled in most. Jews supposedly fit well into no industrial jobs. Portuguese workers rated as poor in seven of eight “atmospheric conditions” and joined Mexicans in lacking capacity to work on the night shift, or the first shift. Greeks and West Indians rose beyond fair only in surviving heat and humidity according to the Pittsburgh chart.¹⁶

In 1911, *The Immigration Commission Report* posited near unanimity among employers in the judgment that South Italians were “the most inefficient of races.” Nonetheless, Pittsburgh Steel management placed Italians in the most efficient third, above Canadians, of all “racial” groups shortly thereafter. Nor did the fact that one steel manager might prefer “two Negroes” to “three Macedonians,” while most ranked the “alien white races” above African Americans in making ratios of productivity provoke

any urgent desire to systematically settle the issue. Not only the basic question of who was White, but even that of who was Black, remained unanswered by managers otherwise fixated on race. “The ‘black races’ cannot do the work in three days that a white man can do in one,” an Iron Range mine superintendent told a government investigator, using the former term to connote Montenegrins, Serbs, South Italians, Greeks, and Croats. When rankings were hazarded, they reflected collections of existing prejudices of managers, not investigation of production. Thus a 1911 *Iron Age* article placed the races in “about the following order: Slovaks, Poles, Magyars, Croatians, Italians,” ranked according to “preferences of the employers.”¹⁷

Even the two most noteworthy efforts to provide social science and economic justifications for employing more African American workers in industry showed the ways in which wishful thinking and the anecdotal stood in for data and post-hoc reasoning in writing on race directed to managers. The best compilation of pro-Black-worker managerial opinion, a 1927 article by the eminent African American sociologist Charles Johnson, remained sufficiently wedded to gathering managers’ opinions that Johnson ultimately acknowledged the limits set on his work as an instrument of reform. The litany of favorable opinion Johnson found among at least some managers was useful: “loyalty,” “they follow instructions,” “they are steady husky, workers,” “can stand heat,” “can do hard work,” “possess physical strength,” and “are trustworthy.” But the litany carried its own limits. Black workers were, Johnson wrote, “wanted for rough work because they are ‘husky’ and ‘cheerful,’ and fitting satisfactorily into this, it follows in reasoning that in the division of work they are best fitted for rough work, and frequently are held to it by a carefully reasoned process. Their success in one field thus limits prospects for advancement into others.”¹⁸

In 1918, Dwight Thompson Farnam’s long, hands-on *Industrial Management* article “Negroes as a Source of Industrial Labor” saw a leading supervising engineer develop some new evidence beyond managerial common sense while remaining in many ways more trapped even than Johnson by its assumptions. While Johnson entered the terrain of managerial opinion to push for racial justice, Farnam took up questions of race out of concern for profit. He made the case that the supply of Black labor doubled that of immigrant labor and its being “properly allocated” held the key to efficient management. The context of wartime labor

shortages and the stirrings of immigrant labor rebellions made Farnam's article exceedingly well timed. Farnam moved perhaps more than any expert toward an empirical framework to investigate race and labor. He generated a plethora of graphs that liberally describing the "inherited" differences of African Americans as derived from climate in Africa and thus subject to gradual race development with proper White managerial leadership. But even so, in sum the article compiled rather than investigated managerial White lore about race on the job and echoed White supremacist assumptions generally. Describing the Great Migration to the North for war work as "trainloads of negro mammies, pickaninnies [with their] ... pathetic paraphernalia of mysterious bundles and protesting household pets," Farnam compared Black and immigrant workers at every turn—their relative progress toward literacy, their rates of incarceration, and their reputations among foremen. But he also developed an extended history and natural history of Africa as one "country," without "letters, art or science," with venomous snakes and diseases preventing herding everywhere, and above all with "luxuriant" food, "fit for kings," there for the picking. Such misinformation became an explanation for the absence of any "feverish desire to work" among those more than a century removed from Africa. What plenty could not establish in blunting a work ethic was accounted for by the "humid heat [that is] depressing and exhausting," with Farnam believing that all of West Africa from Senegambia to Angola somehow lay below the equator.¹⁹

A subhead from Farnam maintained that "The Negro Is Different" as a subject of management, childlike and in need of a boss to think for him or her. In many ways the article reprised literature on slave management, pronouncing on the whole "negro race" and urging the individual choices of loyal, talented, and exemplary Black workers. The foreman was described much as an overseer, needing a combination of "absolute firmness" and an ability to see the African American workers' "antics at first with assumed toleration." Such talents were themselves racialized. The Irish, with their "cheeriness coupled with an occasional terrifying outburst of authority," typically "ma[d]e good negro bosses." One anecdote suggested an Irish foreman can extract as much production from "an engine room full of negroes" as from one "full of German square-heads." The "type of Scot or New Englander who has no patience with any except those thrifty souls

who work unwatched from a strong sense of duty, has no business trying to handle negroes.”²⁰

Farnam kept his article’s ill-described charts at some distance from his textual explanations of their contents. Four of the nine charts purport to quantify “negro” productivity under various types of foremen. Each type had a sample size of one; thus one foreman studied was Irish, lending the most slender support to Farnam’s thesis on nationality and foremanship. Other charts and parts of the text did suggest where a serious quantitative study of race and productivity might have gone, comparing Black, Italian, and “mixed gang” productivity and even developing data on the merits of “seasonal racial employment” in which Black workers would return south for cotton harvest, to be replaced during parts of the year by southern Europeans. Farnam also, and contradictorily, broached a discussion of the desirability of providing infrastructure to keep Black families near factories in order to decrease turnover, a strategy Will Jones has detailed as a growing trend in the postwar wood products industry. But these lines in Farnam add up to less than a page of a long study.²¹

Thus purportedly objective studies of race and productivity remained crude in the extreme. This very crudeness turns out to be vital for understanding how race management worked. The most solid studies of immigrant workers surveyed their conditions off the job, teaching readers in 1921, for example, that only one Greek male immigrant in five and one Spanish immigrant in seven brought family members to the United States and tabulating their naturalization rates. The weightiest research on productivity and race tended to be assembled by investigators writing in the government journal *Monthly Labor Review*, and they often focused on demonstrating the falsity of negative stereotypes of Black workers. This data seems to have made scant impact against such stereotypes, while the repetition of anti-Black and xenophobic folklore took scholars to great academic heights. When the towering figure in U.S. sociology E. A. Ross urged slotting the Slavic “race” into filthy and unhealthy jobs because they were “immune” to dirt, he offered an opinion, not a study. Just the same should be said of Commons’s own assessments, such as “The Negro ... works three days and loafs three [while the] Chinaman, Italian, or Jewish immigrant works six days and saves the wages of three.” Such chatter, not close and nuanced study, left on-the-ground race management, mostly by foremen, free to proceed on its own, often very local,

assumptions. The sociologist Jerome Davis's 1922 study *The Russian Immigrant* had to drop plans for a questionnaire on Russian immigrant workers as one personnel department after another reported utter lack of basic statistical information on how many Russian immigrants they employed and an inability to disentangle their profile from Jews, Poles, Finns, and others often listed as Russian. This lack of data coexisted with a high tide in pronounced racial judgments on workers and with a professed desire to limit hiring Russians, seen as potential Bolsheviks.²²

Some experts were aware of this pattern. As early as 1913, Hugo Münsterberg's classic *Psychology and Industrial Efficiency* identified the discontinuity between precise studies of workers' motions and seat-of-the-pants assumptions on "race" and productivity. Münsterberg set out to assess how far scientific management had gone, and could go, and staked out a place for "scientific psychology" as congruent with the "revolutionary," but incomplete, innovations of Taylor. Race initially seemed to Münsterberg to present little difficulty in achieving such a synthesis. "If a man applies for a position," he wrote, "he is considered [for] the totality of his qualities, and at first nobody cares whether the particular feature is inherited or acquired, whether it is an individual chance variation or ... common ... to all members of a certain nationality or race." Reliance on race in the search for the "best possible man" for the job would be checked because even when the "combination of mental traits" required occurred in specific races because "psychical qualities may vary strongly in the midst of the group."²³

But in further developing his analysis, Münsterberg acknowledged that the search for the best man for the job did often devolve into unexamined racial assumptions. That management at the plant level cared about race was not necessarily bad in his view, but that they cared so unsystematically and unscientifically clearly was troubling. At one factory with twenty nationalities the employment officers might declare the Italians best for one job, the Irish for another, and the Hungarians for a third. At the next factory, he added, completely different conclusions would be reached. In one workplace, managerial race lore had the "hasty and careless" Italians and Greeks as undesirable in risky jobs, which were to go to the Irish. In the next, it was the Irish who were too prone to court danger to do risky work. Münsterberg himself was no critic of race thinking—he tended to credit the stereotype of carelessness as applying to Italians, Greeks, and Irishmen. But he abhorred the lack of system in studying race and management.

“American industrial centers,” he argued, offered “extremely favorable conditions for the comparative study of nationality,” but the opportunity was not being seized. “Much more thorough statistical inquiries,” especially into nationality and responses to piece rates, were needed to ground “race psychological statements.”²⁴

Münsterberg was joined in this lament by practically all of the small number of writers attempting to study race, management, and labor. Farnam noted in 1918 that “the racial tendencies of different classes of labor have so far been insufficiently studied in America.” A year later the industrial psychologist Elliott Frost likewise thought that he was starting from scratch in developing an “analysis of racial psychology” appropriate to industrial education and management. As one early 1920s management handbook phrased Montgomery’s point on race and personnel management, the duties of the employment manager included “follow[ing] internal migrations of different races and nationalities ... movements of negroes and Spanish-Americans,” and to hire the “type of worker most desirable for [the] task: American or foreign, white or black.” But management literature remained very closemouthed and contradictory on just how to do so.²⁵

The fit among immigrants’ attributes, their potential for race development, and the needs of industry were at other junctures much more rapturously described, in often fanciful ways that hard data comparing immigrant “races” would have almost certainly undermined. The management and industry journal *Iron Age* linked new immigrants from eastern and southern Europe to not only the ability to withstand heat, but to an “attraction” to “hot and heavy work”—in contrast to the Northern European “aversion” to such conditions. Mexicans, according to a 1930 account in *Nation’s Business*, “are fond of outdoor life [and] easily enter a nomadic mode of living” making them almost “natural” farmworkers. Other serendipities that management publications posited included Slavs having a “temperamental tendency toward being easily managed,” toward being antiunion, and toward preferring “the lowest wage scale” to any extra effort. At least that was the story until Slavic American militancy in the post-World War I mass strikes strained such assumptions.²⁶

Ford English School’s graduation ceremony paraded evidence of the easy path to race development that was imagined, alongside nativist fears, in the hopeful moments before World War I and the strike wave that followed changed matters. The ceremony saw immigrant workers in

“shabby rags” walk down a gangplank connected to the image of an ocean liner and into a huge cauldron. The script labeled them with the racial slur “hunkie” as they entered the cauldron to, as a 1916 account in *Ford Times* put it, “see what the melting pot will do for them.” After teachers from the school ladled vigorously, race development occurred and graduates emerged in “neat suits” as Americans. Workers entered the melting pot as “Irish-Americans” or “German-Americans” but, according to the company, they emerged as just Americans, “having learned to view the hyphen as a minus sign.”²⁷

At its almost providential extremes, even after the race-based immigration restrictions of 1924, faith in immigrant race development by U.S. workplaces was one factor obviating any need for close investigation of immigrants in production. Thus, in a 1930 article the steel industry became “The Beast That Nurtures Children.” The “fabrication of metal,” it argued, pushed up successive waves of Irishmen, “dark Sicilians,” and Slavic “hunkies” both “spiritually” and “materially,” quickly freeing them from hard millwork so that even Slavs were supposedly gone from the plants by the time the article was written, all of them “foremen or assistant superintendents,” if not self-employed. On this fanciful view, which reminds us how thoroughly race development coexisted with “playing one race against the other,” it was time for the “uplifting forces of steel” to work their magic on “the last of the steel immigrants—southern negroes and Mexicans.” In an industry like steel, management’s institution of what Katherine Stone calls “minutely graded job ladders” enabled experts to point to acquisition of skills—albeit skills easily learned in a few weeks—to make a case for the racial development of White new immigrants. One industry leader connected the rise of the semiskilled machine tender to the development of White independence, using the language of an older labor system. Writing in *Iron Age*, the rubber manufacturing executive Charles R. Flint held that “The American wage earner is raised to the dignity of an overseer, not over degraded humanity, but over a more reliable and effective slave—machinery.” Since African Americans, immigrants of color, and Jews were often excluded from working with machines, their slavishness was reiterated.²⁸

Race mattered, but largely unreflectively, in postwar management theory. Ordway Tead, the coauthor in 1920 of the first textbook in the new field of personnel management, introduced his *Instincts in Industry* with the remark

that “differences in race, climate and civilization ... may so modify human organisms as to cause radical differences in what is the substance of our ... human nature.” Tead wrote of “employers who have a definite policy of hiring several different nationalities in one department of a factory in order that workers may be less able to communicate effectively and therefore less able to cause trouble.” For Tead, that deliberate divisiveness focused, as in the Mr. Block cartoon, on keeping out unions. But he offered neither an investigation of how or whether such a strategy worked, nor of his contention that the southern and eastern European immigrants commonly exhibited an “instinct” to be submissive, albeit punctuated by the occasional “brave frenzy of self-assertion.” In 1920, when the Social Science Research Council (SSRC) “mapped” the field of industrial relations, enumerating far more than a hundred disciplines poised to contribute to the new field, it set for anthropologists the task of investigating “inherited racial characteristics” capable of “affecting work,” offering the “alleged laziness of the negro” as an example. But the SSRC did not set out to solve the problem of, to use Montgomery’s phrasing, “which ‘race’ was best for what.”²⁹

By the beginning of immigration restriction, many more social scientists joined Münsterberg in ridiculing the lack of system in investigating the productivity of various “races.” They saw such imprecision as the irrational underside of an avowedly rational industrial society. As the old opportunities to manage by race and nationality gave way in the face of world war and the immigration restriction legislation of 1921 and 1924, retaining and even Americanizing immigrant workers came to be seen as more critical than dividing them. Commons’s remark that “when immigration suddenly stops we see a human being in those who are here and begin to ask them what they want” overstated the change grossly. So too did the assertion by the historian of social science and industry Loren Baritz, who wrote that after the 1924 restrictions, and in tight labor markets, second-generation immigrants labored in transformed workplaces: “The dictatorial foremen with whom their parents had had to contend lost ground to a whole new system of personnel techniques.” Postwar race riots in industrial districts reminded industry that managing racial competition could be tricky business. What Chad Pearson has written of as the model identified with the open-shop city of Worcester, Massachusetts, gained sway. There, and well beyond there, “engineers, open-shoppers, and

Americanizers were chiefly interested in reducing workplace discord and overseeing “friendly, ‘spirited’ workplaces.”³⁰

But discord was far from simply abjured. Insofar as it is true that the unevenly developing trend toward personnel management identified the problem of labor turnover with what Sanford Jacoby calls “the foremen’s hire and fire approach,” it did undermine the most potent material way in which the races were set against each other in daily managerial practice. However, since Jacoby adds that “the vast majority” of workplaces retained the “foremen’s drive system” throughout the 1920s, and since the “tight labor markets lasted only five years after 1924,” the extent and pace of change should not be exaggerated. Indeed, although it is beyond the scope of this article, the successes of industrial unions in the 1930s almost certainly were more decisive in limiting race management on the shop floor than was the rise of a human relations approach to management in the 1920s.³¹

The decline of immigration certainly did open space for questioning race management’s basis in science and considering its contours and staying power in a post-1924 labor market. By 1926, questions of race and management were already being cast by the pioneering personnel management textbooks as likely to devolve in future into a focus on African American and Mexican workers. Commenting on the 1920s and 1930s, the management experts Herman Feldman and T. J. Woofter rued the fact that manufacturers, so scrupulously careful in choosing raw materials, “rely on hearsay and rumor as to the grades of labor hired.” Everett C. Hughes and Helen M. Hughes observed that off-the-cuff opinions on racial difference so pervaded managerial choices and language, while hard data comparing racial performance remained so rare, that it was worth questioning whether “modern society is really guided by the impersonal concepts of the market and efficiency in choosing ... its labor force.” Taylor had written, “Under scientific management arbitrary power ... ceases; and every single subject ... becomes the question for scientific investigation.” Where race was concerned, post-1924 experts rightly joined Münsterberg in arguing, such a shift did not happen.³²

The Schmidt examples, Montgomery’s commentary, and the broader evidence before us show that scientific management and race management coexisted because they were not so utterly different after all. Scientific management was, as Bernard Doray wrote long ago, a “science” that could

not escape “bear[ing] the scars of the social violence that characterized the society that gave birth to it.” Replete with promanagement assumptions, it selectively drew on folk knowledge and crude observations of existing work patterns in ways mercilessly unearthed in Harry Braverman’s dissection of Taylor’s methods. Scientific management was therefore broadly compatible with that other great scar-bearing, scar-causing science of the early twentieth century—the elaboration of racial hierarchies.³³ Even attempts like those of Woofter and Feldman to cast race management as the exception to the general rationality of industry underlined the staying power of unscientific systems. Critics vacillated between ridiculing race management and calling for making its invidious race-based distinctions more scientifically systematic. The deep roots of the practice of race management, as detailed above, go some distance to explaining its impressive durability. But to emphasize only such history leaves us in danger of seeing management by race as residual, even premodern, and therefore at odds with the longer rational logic of capitalism. Rather, it has been central to such logic.

The staying power of what has been called the “foremen’s empire” in the face of scientific management might be considered a triumph of one form of capitalist rationality intimately linked to deploying the irrationalities of race in order to manage labor. It is in this specific realm that Commons’s remarks again become critical. As early as 1904, Commons heard from an employment agent at Swift and Company that the playing of races against each other had been systematized in his factory, which rotated favored racial groups week by week. Commons worried that such “competition of races,” especially when it included workers from the “non-industrial” Negro race and too many immigrants from the “backwards, shiftless and unintelligent races” of southern and eastern Europe and elsewhere, would lead to catastrophe for workers. But he recognized that competition extracted productivity as well as exerted a downward pressure on wages. Commons regarded these same packinghouses as also among the most systematized workplaces extant where the labor process was concerned. Even “the animal was laid off and surveyed like a map,” he wrote, and moving line innovations engineered efficiency and speedups. Systems of modern management and race management lived cheek by jowl in the most advanced factories.³⁴

Such a system of racial competition did not rest on fixing a scientific chart of hierarchy but on the production, mostly by first-line management, of a series of contradictory and volatile hierarchical managerial opinions. The sociologist Niles Carpenter found workers thinking that lower management's racial prejudices and slights often weighed heaviest on immigrant workers, and Feldman's research suggested that they were exactly right. Farnam's brief for the inclusion of Black workers in industry likewise identified the foreman as the key figure on whose personality, racial knowledge, prejudices, style, and nationality all attempts to thus open the workplace turned. In establishing his credentials at the outset of his article, Farnam's early experience as a foreman is to be duly noted. Since foremen tended to retain the ability to hire and fire in the 1920s in the face of challenges from personnel managers, great weight lay behind their prejudices, which could keep racialized workers productively on edge. Indeed, on the rare occasion when the adequacy of the racial knowledge possessed by foremen was directly questioned by management experts, the framing of the issue was likely to be around the fear that the races were being too much pitted against each other with the fear, especially after the wave of racial terror during and after World War I, that lower management would appear unsympathetic and foster racial and national hatreds and riots.³⁵

If, as Doray has written, scientific management involved at times a "rational madness," management also long deployed the seeming irrationalities of race in a calculating manner. Sometimes it did so by fixing categories and hierarchies, more often by leaving races not fixed in set and studied rankings and thus permanently in competition and flux, at lower management's whim.³⁶ A brutally logical system kept immigrants' positions in play—and in the cases of African Americans often kept them out of jobs via color bars and by judging their fitness as a reserve army of labor. Historians have long known that Taylorism and other revolutionary changes in management theory often supplemented, rather than supplanted, the "drive system" tactics in which lower management bullied and threatened workers.³⁷ But we have too often forgotten Commons's suggestion that the hurrying and pushing could be inflected by playing races against each other and thus wrongly separated industrial management from its coercive, racialized predecessors.

The great revolutionary optimism that Riebe exhibited in the “Mr. Block” cartoon beginning this essay hinged on trusting that effective organization could overcome management’s divisive racial games. But his strip also showed the formidable extent to which race thinking powerfully contributed to management, both by creating competition for jobs and thereby lowering wages, and also by setting workers against each other every hour they were on the job. When the Irish worker responded to the boss by affirming “I can lick the whole bunch and I can make them work too,” he showed at once the ways in which race management encouraged laborers to bring their cultural differences and stereotypes to work, the extent to which employers’ appeals to race often overlapped with appeals to masculinity, and to the desire of some immigrant workers to ascend into the lower ranks of race management. Race management’s powerful appeals dragged workers toward narrow “caste and craft unionism,” which often brought union members together as Whites and as “citizens,” but less frequently challenged race thinking by uniting all workers. Far from reducing labor to abstract and raceless inputs into the labor process, capital and management helped to reproduce racial differences over long stretches of U.S. history and to divide workers in ways that compromised labor’s efforts to address either race or class inequalities. At the same time, the tremendous importance in the U.S. context of broad industrial union organization in challenging divisions not only of skill but also of race is elucidated by the stories this article tells. And finally, when so much of U.S. production is again, and in some ways still, predicated on “playing one race against the other”—and adding legality, citizenship, language, religion, and nationality into the mix—in order to weaken unions and to extract production in degrading and often dangerous jobs ranging from meatpacking to hotel and restaurant labor, from sex work to picking fruits and vegetables, and from sweatshops to supplying the U.S. army, this is a past very much with us.

Notes

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1. John R. Commons, *Races and Immigrants in America* (New York: Macmillan, 1907), 150; Chris Nyland, “Taylorism, John R. Commons, and the Hoxie Report,” *Journal of Economic Issues* 30

(December 1996), 985–1016. See also Yngve Ramstad and James L. Starkey, “The Racial Theories of John R. Commons,” *Research in the History of Economic Thought and Methodology* 13 (1995), 1–75. The cartoon is included in Ernest Riebe, *Mr. Block: Twenty-Four IWW Cartoons*, ed. Franklin Rosemont (Chicago: Charles H. Kerr, 1984), unpaginated. For the context, see David Roediger, *Towards the Abolition of Whiteness: Essays on Race, Politics, and Working Class History* (London: Verso, 1994), 143–45; and Michael Cohen, “‘Cartooning Capitalism’: Radical Cartooning and the Making of American Popular Radicalism in the Early Twentieth Century,” *International Review of Social History* 52 (2007), 35–58.

2. On the dating of the origins of management, see Daniel Nelson, *Managers and Workers: Origins of the Twentieth-Century Factory System in the United States, 1880–1920* (Madison: University of Wisconsin Press, 1996), 50. For “scientifically,” see *Advice among Masters: The Ideal in Slave Management in the Old South*, ed. James O. Breeden (Westport, CT: Greenwood, 1980), esp. 44; and R. Keith Aufhauser, “Slavery and Scientific Management,” *Journal of Economic History* 33 (December 1973): 811–24. Commons on scientific management as quoted in Samuel Haber, *Efficiency and Uplift: Scientific Management in the Progressive Era, 1890–1920* (Chicago: University of Chicago Press, 1964), 148. For Marx and the capitalist personality, see Karl Marx, *Pre-Capitalist Economic Formations* (New York: International, 2000), 118.

3. Ken Lawrence, “Karl Marx on American Slavery” at <http://www.sojournertruth.net/marxslavery.pdf>; “Marx to Sigfrid Meyer and August Vogt in New York” (9 April 1870) at http://www.marxists.org/archive/marx/works/1870/letters/70_04_09.htm; Theodore Allen, *The Invention of the White Race: Racial Oppression and Social Control* (New York: Verso, 1994); George Rawick, *From Sundown to Sunup: The Making of the Black Community* (Westport, CT: Greenwood, 1973); C. L. R. James, “The Atlantic Slave Trade and Slavery: Some Interpretations of Their Significance in the Development of the United States and the Western World,” in *Amistad 1: Writings on Black History and Culture*, ed. John A. Williams and Charles F. Harris (New York: Random House, 1970), 119–64; Ronald Bailey, “The Slave(ry) Trade and the Development of Capitalism in the United States,” in *The Atlantic Slave Trade: Effects on Economies, Societies, and Peoples in Africa, the Americas, and Europe*, ed. J. E. Inikori and Stanley Engerman (Durham, NC: Duke University Press, 1992), 205–46; Walter Rodney, *How Europe Underdeveloped Africa* (Washington, DC: Howard University Press, 1981); W. E. B. Du Bois, *Black Reconstruction in American 1860–1880* (New York: Free Press, 1988). For an important account of the absence of U.S. slavery from histories of management, see Bill Cooke, “The Denial of Slavery in Management Studies,” *Journal of Management Studies* 40 (December 2003), 1895–1918.

4. Among the best works within labor history are Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1975); and Moon-Kie Jung, *Reworking Race: The Making of Hawaii’s Interracial Labor Movement* (New York: Columbia University Press, 2006); on the New South, see Brian Kelly, *Race, Class, and Power in the Alabama Coalfields, 1908–21* (Urbana: University of Illinois Press, 2001); Gerald David Jaynes, *Branches without Roots: Genesis of the Black Working Class in the American South, 1862–1882* (New York: Oxford University Press, 1986); and Joe Trotter, *Coal, Class, and Color: Blacks in Southern West Virginia, 1915–1932* (Urbana: University of Illinois Press, 1990). Other debts to labor history, and particularly to David Montgomery, appear throughout the notes in this chapter, though the field has been slow to consider race management beyond the South and to connect histories of slavery to later patterns of management.

5. Karl Marx, *Capital: A Critique of Political Economy*, vol. 1 (Chicago: Charles H. Kerr, 1906), 185–330; Harry Braverman, *Labor and Monopoly Capital: The Degradation of Work in the 20th Century* (New York: Monthly Review Press, 1975); Antonio Gramsci, “Americanism and Fordism,” *Selections from the Prison Notebooks* (New York: International, 1971), 279–318. See also James, *American Civilization*, ed. Anna Grimshaw and Keith Hart (Cambridge, MA: Blackwell, 1993), 173–79 (on Ford) and 181–85.

6. Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham, NC: Duke University Press, 1996), esp. 27–28. See also Karen Brodtkin, “Global Capitalism: What’s Race Got to Do with It?” *American Ethnologist* 27 (2000), 238–56, esp. 239–40.

7. Cheryl Harris, “Whiteness as Property,” *Harvard Law Review* 106 (1993), 1709–95. See also George Rawick, *From Sundown to Sunup: The Making of the Slave Community* (Westport, CT: Greenwood, 1972), 125–60.

8. David R. Roediger and Elizabeth D. Esch, *The Production of Difference: Race and the Management of Labor in U.S. History* (New York: Oxford University Press, 2012).

9. Richard Williams, *Hierarchical Structures and Social Value: The Creation of Black and Irish Identities in the United States* (Cambridge, UK: Cambridge University Press, 1990).

10. Frederick Winslow Taylor, *Principles of Scientific Management* (New York: Norton, 1967, originally 1911), 41–47; Robert Kanigel, *The One Best Way: Frederick Winslow Taylor and the Enigma of Efficiency* (New York: Viking, 1997), 319 (“Hungarians”) and 316–22; Haber, *Efficiency and Uplift*, 23, n. 12, on “Patrick.”

11. W. E. B. Du Bois, *The Philadelphia Negro: A Social Study*, ed. E. Digby Baltzell (New York: Schocken, 1967, originally 1899), 129 and xxxvii–xxxviii and 129–31; Taylor, “Answer to Criticism of Mr. Upton Sinclair (1911?) in the Frederick Winslow Taylor Papers at Stevens Institute of Technology Archives in Hoboken, New Jersey [hereafter Taylor Papers], and online at <http://stevens.cdmhost.com/cdm4/document.php?CISROOT=/p41000coll1&CISOPTR=255&REC=2>; for Taylor on drinking and ethnicity at Midvale, see “Taylor to Willard Price” (17 September 1914) in Taylor Papers and at <http://stevens.cdmhost.com/cdm4/document.php?CISROOT=/p41000coll1&CISOPTR=1245&REC=3>. On Midvale, Du Bois, and Taylor, see Jacqueline Jones, “‘Lifework’ and Its Limits: The Problem of Labor in *The Philadelphia Negro*,” in W. E. B. DuBois, *Race, and the City: The Philadelphia Negro and Its Legacy*, ed. Michael B. Katz and Thomas J. Sugrue (Philadelphia: University of Pennsylvania Press, 1998), esp. 108–9; and Walter Licht, *Getting Work: Philadelphia, 1840–1950* (Philadelphia: University of Pennsylvania Press, 2000), 46–47. On “nigger driver,” Taylor as extracted in Frank Barkley Copley, *Frederick W. Taylor: Father of Scientific Management*, 2 vols. (New York: Augustus Kelley, 1969, originally 1923), 1: 163.

12. Haber, *Efficiency and Uplift*, 23, n. 12, including the quotation. Kanigel, *One Best Way*, 35–44, treats Taylor’s abolitionist upbringing and his adult suspicion of antislavery motives.

13. For a vivid example of Taylor undermining the foremen’s day-to-day control over individual workers, see “Taylor to Charles Morse” (20 May 1907) in <http://stevens.cdmhost.com/cdm4/document.php?CISROOT=/p41000coll1&CISOPTR=1547&REC=3>, where he approves having an individual worker “taught” by eight foremen severely.

14. David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (Cambridge, UK: Cambridge University Press, 1987), 242–43. See also Sanford M. Jacoby, “A Century of Human Resource Management,” in *Industrial Relations to Human Resources and Beyond: The Evolving Process of Employee Relations Management*, ed. Bruce E. Kaufman, Richard A. Beaumont, and Roy B. Helfgott (Armonk, NY: M. E. Sharpe, 2003), 148–50.

15. “The Iron Industry’s Labor Supply,” *Iron Age* 96 (8 July 1915), 91; John M. Williams, “An Actual Account of What We Have Done to Reduce Our Labor Turnover,” *Annals of the American Academy* 71 (May 1917), 64; Elliott Frost, “What Industry Wants and Does Not Want from the Psychologist,” *Journal of Applied Psychology* 4 (March 1920), 21–22.

16. John Bodnar, Roger Simon, and Michael Weber, *Lives of Their Own: Blacks, Italians, and Poles in Pittsburgh, 1900–1960* (Urbana: University of Illinois Press, 1983); p. 240 reprints the chart.

17. David R. Roediger, *Working toward Whiteness: How America’s Immigrants Became White; The Strange Journey from Ellis Island to the Suburbs* (New York: Basic Books, 2005), 75–77; for the

Iron Range, "Industrial Progress and Efficiency," in vol. 16, pt. 18, "Iron Ore Mining," in *Reports of the Immigration Commission, Immigrants in Industries*: Senate Documents, 61st Congress, 2nd Session 1909–1910, vol. 78 (Washington, DC: Government Printing Office, 1911), 339–41, with thanks to Thomas Mackaman; Lauck, "Recent Immigration," 899. For Commons's ranking of European immigrants, partly based on class consciousness, see "The Sweating System in the Clothing Trade" in Commons, ed., *Trade Unionism and Labor Problems*, 332–33. On uses of race to refer to European groups later thought of as "ethnic," see Victoria Hattam, *In the Shadow of Race: Jews, Latinos, and Immigrant Politics in the United States* (Chicago: University of Chicago Press, 2007).

18. Charles S. Johnson, "How the Negro Fits in Northern Industries," *Industrial Psychology* 1 (June 1926), 408, with thanks to Zach Sell.

19. Dwight Thompson Farnam, "Negroes as a Source of Industrial Labor," *Industrial Management* (August 1918), 123–29.

20. Ibid. On humidity and heat, see also Griffith Taylor, "The Distribution of Future White Settlement: A World Survey Based on Physiographic Data," *Geographical Review* 12 (July 1922), 375–402; for work allowing for the possibility that "work curves" were not "racial," see, e.g., Thomas R. Garth, "Racial Differences in Mental Fatigue," *Journal of Applied Psychology* 4 (June–September, 1920), 235–44; and Garth, "White, Indian, and Negro Work Curves," *Journal of Applied Psychology* 5 (March 1921), 14–25.

21. Farnam, "Negroes as a Source," 123–29.

22. Hugh Reid, "Why Bar the Door to Labor?" *Nation's Business* 9 (January 1921), 31; Luther D. Burlingame, "Americanizing a Thousand Men," *Industrial Management* 53 (June 1917), 385–92; "The Southern Negro in Cleveland Industries," *Monthly Labor Review* 19 (July 1924), 41–44; "Negro Labor during and after the War," *Monthly Labor Review* 12 (April 1921), 853–58; "Working and Living Conditions of Negroes in West Virginia," *Monthly Labor Review* 21 (August 1925), 256–59; and esp. "Industrial Employment of the Negro in Pennsylvania," *Monthly Labor Review* 22 (June 1926), 48–51. Ross quoted in Stanley Lieberman, *A Piece of the Pie: Black and White Immigrants since 1880* (Berkeley: University of California Press, 1980), 25; Roediger, *Working toward Whiteness*, 54. Commons quoted in "Social and Industrial Problems," *The Chautauquan* 39 (March 1904), 18 and 13–22; Ramstad and Starkey, "Racial Theories of John R. Commons," esp. 16–17 and 63–64. On Russians, see Jerome Davis, *The Russian Immigrant* (New York: Macmillan, 1922), 23–25.

23. Hugo Münsterberg, *Psychology and Industrial Efficiency* (Boston: Houghton Mifflin, 1913), 50, 27–28, and 69. On the origins of industrial psychology, see Loren Baritz, *The Servants of Power: A History of the Use of Social Science in American Industry* (New York: John Wiley and Sons, 1965), 21–41.

24. Münsterberg, *Psychology and Industrial Efficiency*, 129–31.

25. Farnam, "Negroes as a Source," 128; Frost, "What Industry Wants"; Leon Pratt Alford, *Management's Handbook: By a Staff of Specialists* (New York: Ronald Press, 1924), 1462–63. See also Zach Sell, "'A Jungle to Work In': Race and the Social Terrain of Foundry Production" (senior thesis, University of Wisconsin–Milwaukee, 2009).

26. "Strong Support for Selective Immigration," *Iron Age* 111 (January 11, 1923), 163; H. D. Minich, "The Value of Time Study," *100%: The Practical Magazine of Efficient Management* 1 (November 1913), 6. See also James Howard Bridge, *The Inside History of the Carnegie Steel Company: A Romance of the Millions* (New York: Aldine, 1903), 81; Karl De Laittre, "The Mexican Laborer and You," *Nation's Business* 18 (November 1930), 44ff; W. J. Lauck, "Recent Immigration: Its Significant Aspects to the Iron and Steel Industry," *Iron Age* 87 (13 April 1911), 898; "The Filipino Problem in California," *Monthly Labor Review* 30 (June 1930), 73–74; David Colcord, "A Beast That Nurtures Children," *Nation's Business* 18 (November 1930), 32–34 and 170–71; Frances

A. Kellor, "Chambers of Commerce and Alien Workmen," *Nation's Business* 3 (December 1915), 18–20.

27. On the Ford English School, see Daniel M.G. Graff, "Ford Welfare Capitalism in Its Economic Context," in *Masters to Managers: Historical and Comparative Perspectives on American Employers*, ed. Sanford G. Jacoby (New York: Columbia University Press, 1991), 98 and (for the quote) 99. For "hunkie" (or "hunky"), see Roediger, *Working toward Whiteness*, 37–45. On melting pot and Ford, see Elizabeth Esch, "Fordtown: Managing Race and Nation in the American Empire, 1925–1945" (unpublished Ph.D. diss., New York University, 2004).

28. Frank Julian Warne and J. R. Commons, "Slavs in Coal Mining," in *Trade Unionism and Labor Problems*, ed. John R. Commons (Boston: Ginn, 1905), 346. See also "Mark Pittenger, "'What's on the Worker's Mind': Class Passing and the Study of the Industrial Workplace in the 1920s," *Journal of the History of the Behavioral Sciences* 39 (Spring, 2003), 153. On steel, see Katherine Stone, "The Origins of Job Structures in the Steel Industry," in *Labor Market Segmentation*, ed. Richard C. Edwards, Michael Reich and David M. Gordon (Lexington, MA: D. C. Heath, 1975), 49. Flint as quoted in Michael K. Rosenow, "Injuries to All: The Rituals of Dying and the Politics of Death among United States Workers, 1877–1910" (unpublished Ph.D. diss., University of Illinois, 2008), 26. On occupational color bars and machinery, see David Roediger, "Gaining a Hearing for Black–White Unity: Covington Hall and the Complexities of Race, Gender, and Class," in *Towards the Abolition of Whiteness*, 154 and 162–63. See also Amy L. Fairchild, *Science at the Borders: Immigrant Medical Inspection and the Shaping of the Modern Industrial Labor Force* (Baltimore, MD: Johns Hopkins University Press, 2003), 219 and 191–220.

29. Ordway Tead, *Instincts in Industry: A Study in Working-Class Psychology* (Boston: Houghton Mifflin, 1918), pp. 13, 89–90, and 143; the "map" is reproduced in Bruce E. Kaufman's excellent *Origins and Evolution of the Field of Industrial Relations in the United States* (Ithaca, NY: ILR Press, 1993), 14–17.

30. Baritz, *Servants of Power*, 13; Jacoby, "Century of Human Resource Management," 149, 154, and 148–55; Roediger, *Working toward Whiteness*, 76, 216–20; John R. Commons, "Introduction to the Edition of 1920," in his *Races and Immigrants in America* (New York: Macmillan, 1920), xix. Chad Pearson, "Making the 'City of Prosperity': Engineers, Open-Shoppers, Americanizers, and Propagandists in Worcester, Massachusetts, 1900–1925," *Labor History* 45 (February 2004), 9–36; quotation on 26.

31. Jacoby, "Century of Human Resource Management," 154 and 148–55.

32. For the textbook, see Ordway Tead and Henry C. Metcalf, *Personnel Administration: Its Principles and Practice* (New York: McGraw-Hill, 1926, originally 1920), 48; Everett Cherrington Hughes and Helen Macgill Hughes, *Where Peoples Meet: Ethnic and Racial Frontiers* (Glencoe, IL: Free Press, 1952), 67; T. J. Woofter Jr., *Races and Ethnic Groups in American Life* (New York: McGraw-Hill, 1933), 144; Reinhard Bendix, *Work and Authority in Industry: Ideologies of Management in the Course of Industrialization* (Edison, NJ: Transaction, 2001, originally 1974), 273 and 278; Nyland, "Taylorism, John R. Commons, and the Hoxie Report," 986. See also Nelson, *Managers and Workers*, 80–83.

33. Bernard Doray, *From Taylorism to Fordism: A Rational Madness* (London: Free Association, 1988), 83–84; and Braverman, *Labor and Monopoly Capital*, 104–23.

34. John R. Commons and others, *History of the Labour Movement in the United States*, 4 vols. (New York: Macmillan, 1918–35), 3: xxv and 322–33, esp. 328 for Don D. Lescohier's section on personnel management; Ramstad and Starkey, "The Racial Theories of John R. Commons," 16–18, quote Commons on the "competition of races"; John R. Commons, "Industry," *Chautauquan* 38 (February 1904), 533–43; Commons, "Social and Industrial Problems," 19 ("physical exertion") and 17–22; and Harold M. Baron, *The Demand for Black Labor: Historical Notes on the Political Economy of Racism* (Somerville, MA: New England Free Press, 1971). For the last Commons quote, and an apt discussion of the labor process in packing, see James R. Barrett, "Immigrant Workers in

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35. Herman Feldman, *Racial Factors in American Industry* (New York: Harper and Brothers, 1931), 147; Niles Carpenter, *Nationality, Color, and Economic Opportunity in the City of Buffalo* (Westport, CT: Negro Universities Press, 1970), 118–30; Farnam, “Negroes as a Source,” 123, 125, and 127–28; Fred H. Rindge Jr., “From Boss to Fore-Man,” *Industrial Management*, 53 (July 1917), 511–12; Kaufman, *Origins and Evolution of the Field of Industrial Relations*, 15 and 17; and Tead and Metcalf, *Personnel Administration*, 48.

36. Doray, *From Taylorism to Fordism*, 83–84.

37. See esp. Roger Horowitz, “*Negro and White, Unite and Fight*”: A Social History of Industrial Unionism in Meatpacking, 1930–1990 (Urbana: University of Illinois Press, 1997), 24–25 and 66; and Halpern, *Down on the Killing Floor*, 41–42 and 88–90.

2 “Free Shops for Free Men”?

The Challenges of Strikebreaking and Union-Busting in the Progressive Era

CHAD PEARSON

Breaking strikes and busting unions has always been challenging, controversial, and messy work. At the beginning of the twentieth century, employers, the primary beneficiaries and frequent strategizers of union-fighting activities, usually found the tasks extraordinarily burdensome—and often hazardous. After all, they faced considerable obstacles from organized labor as well as from large sections of the general public, which often sided with struggling unionists in the context of labor disputes. Unionists and their leaders normally demanded the presence of closed shops—workplaces requiring that employees hold union membership as a condition for employment. They held that strikebreakers were responsible for driving down wages, undermining workplace standards, and threatening community harmony. Strikebreakers, union supporters routinely complained, placed their own short-term, narrow interests above the community’s concerns. As a Topeka, Kansas, newspaper reported in 1898, “renegades and scabs” selfishly earned paychecks while protestors and their “families are starving for bread.”¹

Union activists were seldom passive during industrial disputes. Many kept scrupulous lists of strikebreakers and frequently employed forms of coercion and intimidation against their working-class opponents. During an especially dramatic, thousand-person Albany, New York, transit strike in 1901, for example, irate protestors carried signs that read “Kill the Scabs!”² Writing about another group of strikebreakers in New Orleans during the

following year, an Amalgamated Transit Union member scornfully called them “the scum of everything that is low, dirty, and contemptible.”³ In union circles and beyond, practically no one occupied a lower position in society than the hated scab.

In fact, union activists, believing that the presence of nonunionists eroded workplace conditions and morale, often proclaimed their unwillingness to work next to those without union cards. Speaking in 1903, John Mitchell, the relatively conservative leader of the United Mine Workers of America, explained the justification: “What the unionists in such cases do is merely to stipulate as a condition that they shall not be obliged to work with the men who, as non-unionists, are obnoxious, just as they shall not be obliged to work in a dangerous or unsanitary factory for unduly long hours or at insufficient wages.”⁴ Recognizing that the presence of antiunionists severely hampered their ability to negotiate collectively for workplace improvements, many acted on a “no card, no work” principle and periodically staged walkouts when employers refused to discharge the “obnoxious scabs.”⁵ Indeed, one does not need to consult only union sources to identify this general view. Popular novelist Jack London perhaps summed it up best when he wrote in 1905 that union supporters generally shared a “terrible hatred” for these individuals.⁶

It is not surprising that these criticisms contrasted sharply with the views held by employers and their allies. For self-interested reasons, business owners and their supporters actively sought to employ nonunionists and strikebreakers during industrial clashes and insisted that these vulnerable individuals must receive public respect, even praise, for engaging in courageous acts. A diversity of antiunionists—machinists, molders, railway workers, cutters in garment factories, carpenters, printers, and others—needed protection and moral sympathy for their gutsy efforts. Writing in the *Kansas City Independent* in 1900, George Creel—a soon-to-be-leader of the open-shop movement and later the foremost prowar propagandist during President Woodrow Wilson’s administration—insisted that “non-union laborers” must enjoy “their right to work.”⁷ Creel was not alone, and others criticized unionists for taking their activism to extremes. Speaking about the overall plight of nonunionists and strikebreakers four years later, C. W. Post, the millionaire cereal manufacturer from Battle Creek, Michigan, explained, “he is ostracized, his little garden ruined, his well poisoned, his

cow killed, his fences destroyed, his relatives bulldozed and injured if they associated with him, his children beaten at school, his family insulted and threatened and he personally attacked and beaten and made a social outcast.” The victimized nonunionist, Post complained, was trapped, unable to “obtain vehicles to transport his household belongings even at the dead of night.”⁸ In essence, Creel, Post, and their colleagues believed that these risk-takers were entitled to safety, steady paychecks, and most important, social acceptance. The strikebreaker, forced to continuously confront what employers and their allies considered horrid abuses was, as Harvard University President Charles W. Eliot famously stated in 1896, “a hero.”⁹

Turning scabs into heroes was one of the open-shop movement’s central, long-term aims, propelling those in the forefront of strikebreaking campaigns to look inward and pose a series of questions: How could they effectively recruit strikebreakers and nonunionists? Could they, as employers, some-how remove the social stigmas carried by such workers? Was it possible to convince the U.S. public that strikebreakers and nonunionists were not responsible for lowering wages? Would it be conceivable to persuade the public that antiunionists were honorable, rather than contemptible, individuals? And most important, how could they, as employers, resume production and reestablish greater managerial control to prevent future outbreaks of labor unrest?

This chapter explores the organizational and rhetorical strategies that employers and their allies adopted as they attempted to transform scabs into heroes and thus minimize their most pressing labor problems.¹⁰ Above all, employers sought to deploy a contrary rhetoric and perspective to the general public in order to counter the belittled image of strikebreakers and nonunionists advanced by the labor movement and its supporters like Jack London. Labor-hungry managers collaborated with wide sections of society to recruit adequate pools of independent-minded, competent workers. In an effort to assist them and defend their own financial interests, employers—those most intimately affected by this problem—formed powerful organizations with one another and with broad sections of society. They developed both national and community-based strategies and were moderately successful. While employers and their allies succeeded in breaking hundreds of strikes and reducing the overall power of organized labor in many workplaces and communities, they were unable to eliminate the broader stigma attached to strikebreakers and nonunionists.

In making my case about the ways employers sought to recast the debate about the place of strikebreakers and union-busters in the early twentieth century, I outline the emergence and efforts of three types of private-sector organizations forming the core of the early open-shop movement: employers' associations, unions of antiunion workers—in essence, organizations of nonunionists—and more inclusive, multioccupational Citizens' Alliances. During this era, employers' groups like the National Founders' Association (NFA), the National Metal Trades Association (NMTA), the National Association of Manufacturers (NAM), the National Erectors' Association (NEA), and countless local organizations helped lead a series of aggressive campaigns against what its spokespersons often labeled “labor union monopolies.” In 1906 Post maintained that labor union “monopolies” constituted “the greatest trust with which the people have had to contend.”¹¹

From coast to coast, “the people”—a nebulous, cross-class body of antiunionists—united in an effort to reduce this threat. Writing about the development of campaigns to protect the interests of employers and nonunionists in 1904, journalist Ray Stannard Baker expressed admiration for its geographical broadness and inclusivity. “Nearly every city,” Baker wrote, “boasts its full-fledged Employers' Association or Citizens' Alliance, sometimes both.” A muckraker and vocal defender of antiunion workers, Baker reported that the membership in many of these monopoly-fighting, non-union-defending organizations was not led by wealthy industrialists. Some of these organizations allowed those without a direct stake in industrial conflicts—clergymen, lawyers, judges, journalists, college professors, and politicians—to join.¹² Some were even open to antiunion workers. These organizations—manufacturers' associations, working-class groups of antiunionists, and multioccupational Citizens' Associations—sought to demonstrate that they did not campaign for the privileged classes. Instead, they constituted a wide-ranging multilocal crusade led by an honorable coalition of “the people.”¹³ Employers had essentially sparked, in other words, a collective, class-neutral project designed to recast the meaning of strikebreaking and union-busting activities by insisting that diverse coalitions supported the rights of nonunionists. From the perspective of open-shop movement partisans, these ill-defined categories, “citizens” and “the people,” promoted industrial freedom and community harmony for all. In reality, the campaigns to

defend nonunionists and strikebreakers, both logistically and ideologically, were primarily led by, and principally benefited, employers.

Strikebreaking and Union-Busting from Above

The need to create a collective response designed to legitimize the strike-breaking process and to protect the rights of antiunion job seekers and employees became especially clear to employers just before the open-shop movement's formal emergence in the late nineteenth century. The reason was simple enough: many managers realized that job hunters found the task of breaking strikes morally reprehensible, mentally stressful, and physically perilous. Indeed, numerous job seekers, aware of the stigma attached to the act of crossing picket lines, flatly refused to do the employer's dirty work.

During strikes, some labor-hungry employers came to realize that concealing the existence of industrial disputes was not a particularly effective way of recruiting and sustaining a stable workforce. Consider the controversy surrounding a strike at the Mosher Manufacturing Company, a midsize manufacturer of boilers, electrical appliances, engines, and machinery in Dallas. In June 1897, several men from Birmingham, Chattanooga, and St. Louis, lured by a labor recruiter, traveled hundreds of miles to the northern Texas city for the advertised jobs. Once in Dallas, the job seekers discovered to their surprise a rather tense and chaotic strike. A Houston paper sympathetic to the striking molders reported that "Mr. Mosher has induced men to come to Dallas upon the representation that the strike was off."¹⁴ The paper stated that one Birmingham worker, desperate for steady employment, had pawned his watch and sold his bicycle to pay for the transportation costs. Once in Dallas, he had "learned of the strike" and complained that "he isn't the kind of a man to come to Dallas to help the Mosher company beat down the wages of his fellow workmen." This unidentified individual was not the only person to withhold his labor power from what strikers and their supporters called "an unfair shop."¹⁵ Numerous others, initially enticed by the promise of paychecks, also refused to cross picket lines. Labor recruitment problems, needless to say, hurt W. S. Mosher's ability to run his business.¹⁶

Mosher's experience was one of thousands of such challenges faced by owners and managers throughout the nation. And these businessmen, recognizing the collective nature of their troubles, looked to one another for

assistance, on both the local and the national levels. Mosher, Post, and numerous others, alarmed by repeated instances of labor unrest and workers' principled opposition to working in unfair shops, helped to launch and sustain the nation's first nationally coordinated open-shop movement, a movement that was formed partially to turn scabs into heroes.

Shortly after suffering through the 1897 strike, Mosher joined the newly formed National Founders' Association (NFA), which emerged in 1898 under the leadership of William H. Pfahler, a Philadelphia stove manufacturer.¹⁷ Under Pfahler's guidance, the NFA both negotiated with and fought the Iron Molders' Union (IMU), a politically moderate union of craft workers founded in 1859. Although Pfahler and his colleagues enjoyed mostly cordial relationships with IMU leaders from 1898 to 1904, the NFA regularly mobilized strikebreakers when union members disrupted production. As John A. Penton, the NFA's first salaried organizer and secretary, said to a membership meeting in early 1899, "When men are wanted to take the place of strikers, much assistance can be rendered if each member will take it upon himself to offer the secretary the services of any volunteers whom they may secure in their own establishments, or of those applying for work who are willing to go to such positions."¹⁸ Penton had requested, in essence, that conscientious members scrupulously evaluate the character, competency, and work histories of their men. As committed members of the new "defense association,"¹⁹ the employers—representing industrial communities throughout the nation—needed to ask themselves a number of questions: Were their wage earners loyal to their workplaces or to the union? Could they count on their faithful men to break strikes and work in distant cities? Would they travel? In essence, could foundry operators make heroes out of their loyal workmen? In asking these questions, Penton played an important role in helping foundry owners see themselves as collective problem solvers, not as cutthroat competitors. NFA members—self-interested profit seekers profoundly annoyed by escalating workplace tensions sparked by labor union monopolies—ultimately benefited from this labor-sharing plan. The plan was meant to give employers like Mosher the necessary resources—competent workers uncorrupted by the values of labor unionism and unwilling to submit to organized labor's pressure—that were unavailable to him two years earlier.

Penton proved to be reliable, repeatedly assisting NFA members forced to confront labor troubles. This was especially true in Cleveland in 1900,

when he began issuing special employment cards to nonunion molders willing to cross picket lines during what became a particularly intense, multiworkplace IMU-initiated job action—dubbed “one of the greatest industrial wars in the foundry trade” by one NFA member.²⁰ After advertising for hundreds of molder positions in newspapers and collaborating with NFA members—the individuals best equipped to judge the levels of proficiency and loyalty of their workmen—Penton eventually secured more than six hundred cardcarrying nonunionists. Apparently, this was a win-win solution. According to Penton, the card “will always guarantee them permanent employment under the rules of the Association.” He continued: “The holder of these cards will possess a very valuable document, one that will place him in a very unique position.”²¹

We do not know how the strikebreakers viewed these cards, but we can confidently surmise that the picketers hardly regarded them as any sort of honorable or “valuable document.” In fact, hundreds of cardholders confronted considerable hostility on the picket lines surrounding the struck foundries almost immediately after arriving in Cleveland. Scuffles broke out between the strikebreakers and protestors, and union publications tarred the scabs with insults, calling them “prostitutes” and “scum.” According to the *Iron Molders’ Journal*, they were “the very lowest and most degraded of scabs.”²² While the cards must have given nonunionists at least some comfort in knowing that they enjoyed protections from the vicissitudes of a boom and bust economy, they were nevertheless unable to escape aggression or overcome the shame attached to their role. Penton, the employers, and their allies behind the nascent open-shop movement clearly had more work to do as they sought greater control over the labor market and better public relations.²³

The NFA continued to help foundry operators embroiled in labor battles after the Cleveland conflict, promising to pay generous wages to antiunion molders willing to travel distances and work during strikes. The IMU continued to organize strikes in many cities, including in union strongholds like Chicago. While most early-twentieth-century northeastern and Midwestern foundry operators paid their molders between \$2 and \$3 per day, the NFA offered, according to an advertisement in a Minneapolis newspaper in early 1902, \$3.75 and “permanent employment and no trouble” to those willing to help Chicago foundry operators resume

production during the strike.²⁴ NFA leaders hoped that decent pay and stable employment provided enough incentive to secure the loyalty of molders and therefore dissuade them from participating in union activities. It is difficult to measure the success of this strikebreaking campaign, but we do know that Chicago remained a relatively strong union town in this period. Scholars have told us that, in the face of pressure, many employers, including those who identified themselves as open-shop proponents, reluctantly negotiated with unions in closed shops.²⁵

The era's most aggressive and effective opponent of closed shops was the NFA's sister organization, the National Metal Trades Association (NMTA). Founded in 1899, The NMTA pioneered the use of union-breaking labor bureaus—centralized hiring centers where the association's salaried secretaries kept files on job applicants. The purpose was to reward nonunionists with employment opportunities and punish labor activists through a blacklisting system. NMTA members, with help from the labor bureaus that were beginning to form, sought to employ the most efficient and loyal workers—and to ensure that the troublemakers were effectively barred from entering member workplaces. Branches in Cincinnati, Ohio, and Worcester, Massachusetts, helped launch this system of centralized hiring shortly after International Association of Machinists (IAM)—sponsored strikes in 1901 and 1902 respectively. The primary targets of these job actions, employers who oversaw mostly modest-sized shops, had become convinced of the need for such a scheme.²⁶ By mid-decade, organized employers in most medium- and largesized industrialized communities had adopted labor bureaus, and cries of unfair blacklists could be heard from union halls and picket lines throughout much of the nation. Speaking to strikers in Worcester about the employers' blacklisting activities during a 1902 strike, IAM organizer Maurice W. Landers complained that "Your board of trade here in Worcester is the first body of that kind I ever heard of in the United States which constituted itself into an employment bureau and sought to engage non-union workmen to take away the living from its own citizens."²⁷ Worcester had one of the first, but it was not the last.²⁸

Employers' association leaders, fully aware of the public relations backlash triggered by decades of strikebreaking activities, sought to frame their hiring and firing policies in ways that appeared progressive and

respectable. It is not surprising that employers and their spokespersons did not publicly refer to strikebreakers as scabs or even as the less provocative phrase nonunionists. In spring 1901, the NMTA, shortly after defeating a multicity machinists' strike, passed a resolution prohibiting "the word 'non-union' in all official documents." Instead, the leadership required that members use the words "free men" and "free shops" when describing nonunionists and open-shop workplaces.²⁹ "Free men" were not, they implied, permanent proletariats with interests separate from their employers; rather, they were ambitious, upwardly mobile, monopoly-opposing, and law-abiding backers of the individual rights of employers and employees. In essence, these men embraced values entirely different from those adopted by union leaders or by rank-and-file militants. The chief divisions in industrial society, open-shop employers and "free workers" sought to show, were not between labor and capital, but rather, between hardworking, patriotic, independent-minded and law-abiding workers on the one hand and lawless, monopoly-imposing unionists, on the other.

Open-shop movement spokespersons emphasized that these "free" workers were highly competent, loyal, and first-class, certainly not scum, as union activists often called them. As a contributor to the *Bulletin of the National Metal Trades Association* explained in 1904, such "men are used as leading workmen in struck shops, as employment agents, and in many other ways for the benefit of the members of the association."³⁰ From the perspective of employers, the "first-class" men were upstanding role models, individuals who did much more than simply fill employment vacancies. They were, in essence, stewards of good U.S. citizenship, willing to collaborate closely with employers and thus demonstrate that they shared their core values. They wanted others to follow their example. They were, in a word, heroic.

Yet it is highly unlikely that most machinists opted to break strikes because they wanted to demonstrate their heroism. Employers' association members understood that self-interest almost always trumped idealism. Like the NFA, the NMTA's strikebreaking planners and practitioners recognized the necessity of offering economic incentives and making the often punishing process of picket-line crossing as financially rewarding and problem-free as possible. Its members, in short, showed a willingness to pay a premium for hundreds of courageous "first-class men." An NMTA-sponsored job advertisement in a Paducah, Kentucky, newspaper in 1907

even used fear tactics during a year marked by an acute economic crisis: “Jobs won’t be so easy to get next year. We can use 500 machinists. Highest wages, steady employment guaranteed. Transportation advanced to machinists having first-class references.”³¹ It is noteworthy that in 1907, the NMTA—which by this time had established itself as a leader in the increasingly successful open-shop movement—promised more than merely stable employment to those with “first-class references.” The well-funded NMTA was also willing to invest in long-distance transportation costs to ensure that the most efficient and loyal men arrived at their employment destinations without confronting labor-related troubles. Those with “first-class references” had no need to, say, sell their bicycles, watches, or any other personal items to pay for any travel-related costs.

By at least one important measure, the NMTA’s labor-replacement strategy succeeded admirably. The association’s commissioner in Cincinnati, Robert Wuest, boasted that the organization faced off against strikers on 126 occasions in 1907 and succeeded in all but four.³² This required a considerable amount of financial investment as well as trust and unity of action, just as NFA members demonstrated a collaborative spirit during its conflicts. In early 1907, Wuest bragged about the organization’s accomplishments: “The experience,” he reported, “has demonstrated to [the NMTA membership]—as it should to other manufacturers eligible to membership but not affiliated with us—that as an association we stand for all that is best for both employer and employee by creating the Open Shop.”³³

Strikebreaking and Union-Busting from Below?

The establishment of unions of antiunion workers, paradoxically, signaled a second, equally important, development in the history of strikebreaking and union-busting. These organizations emerged at roughly the same time that employers’ associations like the NFA and the NMTA had fought, and mostly defeated, sectors of the labor movement by replacing strikers and union activists with “first-class free men.” In many cases, organizations of antiunion workers assisted national employers’ associations by serving as capable—and sometimes even eager—reserve forces of labor. These bodies of workers wanted to labor without observing union rules and restrictions. Their representatives echoed the language of employers’ association

spokespersons by claiming that their members were competent, loyal, and law-abiding men, not pariahs or scabs. Yet it is noteworthy that those who spoke on behalf of this supposedly bottom-up movement tended to be employers and their middle-class allies, not working-class antiunionists. How much power ordinary people had over these organizations remains unclear, but we do know that numerous cities—including Elmira, New York; Detroit; and Muncie, Indiana—became home to chapters of “independent” labor leagues in 1903.

The first union of nonunion workers to emerge in the English-speaking world was Britain’s National Free Labour Association (NFLA). Established in 1893 by former trade unionist William Collison, the organization formed because its members supposedly believed that trade unionism had become irredeemably disruptive and radical. In his 1913 autobiography, a patriotic Collison explained the reason: “Modern Trade Unionism is an accursed thing, a greater enemy to this country than any foreign power, a greater enemy to you and me than the bitterest individual enemy of ours that exists; I was not only speaking and thinking against it, but was actively fighting it. I was breaking strikes.”³⁴ Strikebreaking was nothing short of a moral duty, Collison recounted, because modern trade unionism had dramatically sought to inaugurate “a permanent reign of terrorism.”³⁵ Confronting unions was a demanding process, he reported, noting that labor organizers had venomously lashed out at association members, disdainfully calling them “thieves” and insisting that they were “doing the dirty work of the Employers.”³⁶ Collison categorically rejected these statements, declaring that his organization’s hardworking and lawful laborers played a truly vital role, one that promoted industrial efficiency and benefited employers, workers, and society generally. Writing about a group of independent dockworkers, he explained that they “proved trustworthy and competent, and obtained the largest share in the vast amount of work executed in the docks, wharves, and riverside industries of the Port of London.”³⁷ For two decades, Collison’s organization enjoyed enormous successes: “In twenty years eight hundred and fifty thousand workmen belonging to one hundred and fifty different trades have been registered, and the Association has fought and been successful in no less than six hundred and eighty-two pitched battles with aggressive Trade Unions in different parts of the United Kingdom.”³⁸ Collison, proud of these dramatic accomplishments in the face

of belligerent opponents, had become financially successful himself, offering British employers a useful service during times of need while offering managers internationally an effective strikebreaking model.

Numerous union critics in the United States followed Collison's lead. The most ambitious figure was Reverend Edwin Milton Fairchild of Albany, New York. In early 1903, Fairchild helped embittered wage earners from the International Association of Machinists in Elmira, New York, launch the Independent Labor League of America. Shortly after its formation in Elmira, the league established branches in a half-dozen additional cities, places where it collaborated closely with employers' associations like the NMTA. Above all, it provided struck employers with critical labor needs.³⁹

Fairchild's initial encounters with organized labor help to explain why he championed the league's establishment. In May 1901, the Oberlin College-educated clergyman witnessed Albany's massive streetcar strike, an intense, eleven-day confrontation staged by one thousand unionists against the United Traction Company. Enjoying much public support, the strikers demanded wage increases, job stability, and a closed shop. Far from peaceful, some, according to newspaper accounts, carried "kill the scabs" signs and fought against numerous belligerent forces—Pinkertons, Thiel Detective service men, local police, National Guardsmen, and strikebreakers. Participants from both sides were guilty of violent acts, though it is very possible, even likely, that employer-backed agents provocateurs were responsible for carrying the threatening signs.⁴⁰

Intellectually inquisitive, adventurous, and morally driven, Fairchild explained that he "was out in it all." He carefully observed the mobilization of protestors, the presence of baton-wielding policemen, and the curious, and periodically riotous, crowds of onlookers. He was particularly disturbed by the ways union members harassed and attacked the strikebreakers, though he was silent about the much more effective violence that National Guardsmen inflicted on the protestors. Yet in a 1903 article published in an employers' association magazine, Fairchild wrote that he wanted to understand the conflict as thoroughly as possible; he interviewed participants and took pictures of strike scenes. The result of his endeavors was a lengthy study: "I have here on my desk a MS. of 150 pages, illustrated with 120 photographs, containing the details of this strike. No such study has ever before been prepared."⁴¹

Fairchild continued to investigate the causes, characteristics, and consequences of labor conflicts after Albany's streetcar strike, which resulted in wage increases but no closed shop. A year later, he visited the scenes of the 1902 Hudson Valley Railway strike in nearby Glens Falls and then traveled to Wilkes-Barre, Pennsylvania, an area affected by an extraordinary anthracite coalmine strike involving thousands. Demonstrators in both these protests demanded that their employers offer wage increases and recognize their unions.⁴² Fairchild took his investigations seriously and conducted, by his own admission, "hundreds of interviews" of strikers and strikebreakers. He saw himself as a disinterested figure. "The very fact that I am a clergyman, and not an employer, has made it possible for me to get an understanding of this labor problem from the workman's point of view," he wrote in 1903. Fairchild essentially explained that he had approached the labor question as both a social reformer and as curious, open-minded researcher. But he was hardly nonpartisan. During the course of his study, he had developed sympathies with strikebreakers, the primary victims of picket-line scuffles. A proponent of the open-shop principle, Fairchild felt a sense of urgency to do something "before the radicals have a chance to revolutionize."⁴³ After conducting his field research in late 1902, Fairchild proclaimed his commitment to helping victims of closed-shop unionism establish the National League of Independent Workmen of America. Those involved in the league would, as Fairchild explained, "demand that employers run their shops as 'open shops.'"⁴⁴

Almost two hundred miles from his Albany home, Fairchild found employees willing to establish an organization like the one Collison had launched a decade earlier. The members constituted a sizable minority of workers at the Payne Company, a modest-sized engine manufacturing establishment in Elmira, a heavily industrialized riverfront city in New York State's southern tier. Elmira was the scene of numerous labor conflicts after the Payne Company's arrival. The owner, N. B. Payne, who employed about fifty workers, became a leading member of the NMTA after confronting numerous challenges from the International Association of Machinists.⁴⁵ Payne's union-supporting workers had long harbored grievances, including frustration over low pay, increases in workloads, and company-imposed "yellow dog" contracts—guaranteeing that workers would refrain from joining unions. As a result, union activists staged

several protests, including strikes in September 1899, May 1901, and January 1903. Payne stubbornly resisted their demands, and a handful of his workers—whom the NMTA called “free men”—had sided with him during these disputes.⁴⁶ From the union’s perspective, the company had long provoked conflict. Writing about it in 1903, the IAM publication, the *Machinists’ Monthly Journal*, reported that “ever since this company came to Elmira, some eighteen or twenty years ago, they have had trouble with their men with marked regularity.”⁴⁷

Traditionally, Payne had received at least some community support during disputes. Local clergymen had preached the need for protestors to respect management rights, and judges issued injunctions to protect Payne and strikebreakers. During the 1899 strike, for example, Reverend James A. Miller told a meeting of Payne strikers to “concede to capitalists their rights in carrying on their business.”⁴⁸ Miller’s message was clear enough, essentially explaining to unionists that they must refrain from harassing managers and antiunion workers, the labor force essential to the resumption of production.

Reverend Miller was unable to convince all, or even most, labor activists to allow antiunion employees to work during industrial conflicts. This was especially clear during an intense strike in 1903 against Payne’s “premium system”—an incentive system that tied individual pay rates to one’s level of productivity. In essence, Payne provided bonuses to his most productive men, a practice that encouraged individual hard work and thus created a competitive shop-floor atmosphere—one fundamentally irreconcilable with the long-honored principle of labor solidarity. At this time, twenty premium system supporters refused to join picket lines, thus abandoning their union commitments. They were joined by three NMTA-mobilized strikebreakers from Midwestern cities. Predictably, union machinists called the defectors and imported strikebreakers scabs and attempted to curtail their movements, hoping to prevent them from entering the workplace. Payne, in turn, secured an injunction from Judge Walter Lloyd Smith of the Chemung County Supreme Court. On 14 February 1903, Smith declared that IAM members and their supporters must “desist and refrain from” harassing

the employees of the plaintiff now in its employ, and from in any manner interfering with any person who may desire to enter the employ of the plaintiff by means of threats, intimidation, espionage, picketing, personal violence, the calling or applying of the names ‘scab,’ ‘pimp,’ ‘pup,’ or any other indecent, insulting, or opprobrious name or epithet, or by any other means

whatsoever calculated or intended to compel, prevent, or force any person from entering or continuing in the employment of the plaintiff, or calculated or intended to induce through fear, apprehension, or loss of social standing or injury to property or peace, any person from entering or continuing in the employment of the plaintiff, or calculated or intended to induce any such person to leave the employment of the plaintiff.⁴⁹

Elmira's IAM local faced considerable obstacles: an obstinate employer, an injunction-issuing judge, and a lack of working-class solidarity.

Shortly after Judge Smith issued his intractable ruling, the union confronted an additional, equally alarming, challenge: the establishment of the Independent Labor League of America's first local chapter, which consisted largely of the nonstriking machinists. Encouraged by Fairchild, the league labeled itself an "American spirited" organization, one that pledged to reject socialism and anarchism, promote workplace harmony from below, and encourage respect for the open-shop principle. Fairchild predicted that politically moderate, hardworking, antimonopolistic, and upwardly mobile wage earners in other communities would follow the lead of Elmira's independentminded machinists and join this movement, which he believed needed the support of both workers and employers: "If employers give a fair chance for the growth of an American-spirited, independent labor organization it will sweep the country in five years."⁵⁰

The Albany clergyman had, in his mind, helped establish a genuine organization of heroes, and he was eager to share this development with one of the nation's most illustrious defenders of strikebreakers, Charles W. Eliot. Fairchild appreciated that the Harvard University president continued to use the word "heroes" when describing strikebreakers. "There is," Fairchild wrote in 1903, "no other public man in this country who knows as you do how to say the right word at the effective time in just the right way."⁵¹ Fairchild had learned that Eliot had recently employed the term during a speech in Buffalo and wanted to tell the Harvard leader about the "great body of [nonunion] workmen" he had helped organize during the past couple of years. Rather than take credit for the organization's emergence, Fairchild assured Eliot that he had played only a modest role: "I am only an outsider myself, whom some of the workmen are consulting a little."⁵²

The extent of Fairchild's role remains unclear, but we do know that the Elmira league established ten goals in February 1903, almost immediately after helping Payne resume production. Most of its objectives were

consistent with the core aims of the growing, employer-led open-shop movement. First, it called for protection “of independent workmen in their independence.” Second, it stated its opposition to “strikes and lock-outs, boycotts and blacklists.” The organization was not merely interested in protecting employers. Third: “to obtain higher wages, shorter hours and better conditions, by—a. More intelligent application of our energies. b. Harmonious co-operation with our employers. And c. Legitimate business methods.” Fourth: “to furnish favorable conditions for training apprentices, in order that our boys may become successful workmen.” Fifth: “To compel officers of the local, state, and national government to enforce the laws and to compel Labor Unions and others to observe the laws.” Sixth: “To protect members against unjust treatment from employers by due process of law.” Seventh: “To provide an employer bureau for members.” Eighth: “To provide means for members to guard against sickness and accident.” Ninth: “To provide educational opportunities for its members.” And finally: “To provide in all lawful ways for the welfare of the members and the maintenance of their rights under the laws and constitution of the United States.”⁵³

The league’s stated objectives are noteworthy for several reasons. Spokespersons did not see it as paradoxical to use collective means to promote individualism. Nor did they have a problem with embracing the politics of law and order while supporting nonunion apprentice training programs. These agenda items amplified the calls made by thousands of union-fighting employers. Yet a few of its other objectives, including numbers three, six, eight, and nine, resembled the primary aims of confrontational trade unions, organizations that sought to extract pay raises and benefits from their employers. It would seem that, in order to appeal to workers, the league had to acknowledge unjust treatment by certain employers. Employers, the organization implied, shared at least some blame for shop-floor tensions and outbreaks of labor conflicts. In addition, the league called for higher wages, shorter hours, better conditions, education, and health care—goals consistent with the aims of traditional, combative unions.

But there were obvious differences between the Independent Labor League and traditional trade unions. League members believed that they could secure their aims—better wages, shorter hours, safe workplaces, health insurance, and improved educational opportunities—by serving as

bottom-up partners in the broad fight for open-shop workplaces. Embracing the open-shop philosophy and advocating better conditions, league members maintained, were perfectly compatible. But they promised to conduct their advocacy peacefully and lawfully, refusing to ever withhold their labor power, threaten fellow workers, or harm the long-term financial interests of their employers. The simple justness of their objectives, league members held, was enough to convince fair-minded employers to make workplace improvements and reward efficient and loyal employees.⁵⁴ In essence, they believed that labor reforms were winnable only by working proficiently, showing sufficient deference to their bosses, honoring the nation's laws, and opposing labor union monopolies.

The Independent Labor League had moved beyond Elmira's borders in the following months. Soon, antiunionists in Albany, New York City, Detroit, and Sherman, Texas, among others, joined lodges, and its members began collaborating with many employers active in the growing open-shop movement. During a Brooklyn shipyard strike in June 1903, for instance, the secretary of New York City's Metal Trades Association, Henry C. Hunter, was thankful and relieved that league members agreed to cross the picket line and that it "has a branch in New York and undertakes to supply competent men."⁵⁵ Some contacted the league before establishing businesses. For instance, one unnamed Ohio employer contacted the league in 1904 seeking "members of the Independent Labor League of America in a large new foundry which we are ready to start."⁵⁶

An assortment of employers, middle-class reformers, and antiunion workers helped establish similar unions of antiunionists elsewhere. The development of such organizations was uneven, and it is perhaps unsurprising that most emerged in communities with strong traditions of employer-led antiunion activities. Altogether, Indiana, home state of National Association of Manufacturers president David M. Parry, contained more than 3,000 members of antiunion unions in 1903, and some presumably received higher pay than those holding union membership cards. According to a March 1903 report in *The Iron Trade Review*—a trade publication later owned and edited by Penton that covered the dynamics of the open-shop movement—antiunion organizations of workers declared a willingness "to assist its members in obtaining the highest wages consistent with the general good of all concerned."⁵⁷ Writing about an antiunion union of building trade workers in this state, Kansas City's George Creel reported

in June that “the average wages are higher than those paid under the union scale in the same cities.” The Indiana groups, like Elmira’s organization, presented themselves as hardworking laborers committed to workplace improvements and labor–management harmony. “Both the employers and the employes,” Creel announced, “say that the new system is working without friction.”⁵⁸ Because of the high wages and frictionless shop floors, workers, we are led to believe, had no need for confrontational unions that promoted their class interests. Tellingly, none of these open-shop publications included any direct statements from the “free workers” themselves.

Strikebreaking and Union-Busting from Somewhere in Between

During the especially disruptive, nationwide strike wave of 1903, employers, their middle-class allies outside industrial relations settings, and a modest number of workers articulated their demands that antiunionists receive additional protection from “union tyranny.” In the fall, close to three hundred self-identified reformers, members of urban-based commercial clubs, and activists in existing employers’ associations—including Creel, Parry, Penton, and Post—gathered in Chicago, where they formed the Citizens’ Industrial Association of America (CIAA). The CIAA, a national federation of local citizens’ alliances and employers’ associations, touted itself as an inclusive organization committed to helping business owners and antiunion workers conduct their businesses without facing harassment from unionists. The organization included the phrase “for the protection of the common people” on its letterhead.⁵⁹

The CIAA’s emergence and the outspoken support for the rights of “free” workers articulated by middle-class reformers helped to demonstrate the many-sided character of antiunionism. Indeed, the widespread mobilization of antiunionists during strikes combined with the moral and logistical backing they received from individuals like Eliot and Fairchild shows that support for the plight of nonunionists was not merely championed by employers, the open-shop movement’s principal financial and managerial beneficiaries. Middle-class reformers—both as individuals and as members of citizens’ associations—and antiunion workers reinforced the argument that the movement was concerned with preserving law and order, promoting

industrial progress, protecting “first-class free” workers, and eliminating “union monopolies.”

These antiunion movements were not, its spokespersons contended, designed to establish and maintain ruling-class hegemony. As Creel explained in 1903, the multilocal campaigns were meant to protect the rights of citizens generally and to fight all policies that promoted “the interests of any class against the other.”⁶⁰ Open-shop proponents, Creel continued, favored using language that deemphasized class divisions, including phrases like “labor and capital.” “That phrase,” he protested, “has done more to foment industrial discord and discontent than anything else in the world.” Moreover, Creel argued, “‘labor and capital’ is misleading because the phrase establishes classes along false lines.” According to Creel, such words sparked unnecessary “bitterness and resentment” in a society that promoted upward mobility by rewarding those who displayed hard work, loyalty, and good character.⁶¹ Creel was joined by other spokespersons who insisted that class was an unsuitable category around which to organize. “Any class movement in this country, be it a workingman’s movement or an employers’ movement, is sure to fail,” wrote Reverend Charles Stelzle, a former International Association of Machinist member, in 1905, in the journal *The Open Shop*.⁶² In addition, so-called “class movements” and phrases like “labor and capital,” these spokespersons implied, failed to address the concerns of workers who remained wholly uninterested in joining unions or participating in strikes.

In an effort to establish an effective, ostensibly classless movement, CIAA leaders embraced many of the rhetorical techniques employed by the NFA, the NMTA, and the Independent Labor League. Like these organizations, CIAA members wanted to ensure that strikebreakers and nonunionists received a proper amount of financial, physical, and moral support. In the words of Percival D. Oviatt of Rochester, New York, their lives were extraordinarily grim, consisting of “alternating periods of labor and torment.” Speaking at a CIAA-sponsored meeting in 1904, Oviatt, a lawyer and future Rochester mayor, echoed Eliot in underlining the intrepidity with which strikebreakers confronted their overwhelming hazards: “His physical bravery is to be extolled, but his moral courage is heroic; and he needs it sorely when you see him not at all.” Reminding audiences of the continuous suffering antiunionists confronted both on and off picket lines, Oviatt called on his fellow employers to do more: “Toward

such a man you ought to feel the deepest respect and a duty broad enough to cover the sacrifices which he made in your behalf, and for the principles in which you and he believe.”⁶³ In essence, Oviatt urged his fellow activists to warmly embrace antiunionists by treating them as close partners engaged in an honorable, class-neutral fight, one that—in the collective views of the movement leadership—pitted the forces of decency against closed-shop unionism’s malicious wrongs.

Numerous employers and their allies had demonstrated a willingness to uphold this sense of duty during periods of workplace conflict by defending the rights of besieged antiunionists. Some CIAA members took exceptionally aggressive action against labor activists—and in the process presumably helped to cement greater ties with independent workers. For instance, Hugo Donzelmann of Cheyenne, Wyoming, speaking at another CIAA meeting in 1904, reported that Cheyenne’s Citizens’ Alliance refused to comply with union members when they “began to dictate to us.” The union had organized a strike at the railroad yard. “What did we do?” Donzelmann asked his colleagues. “Did we wait? Did we wait for the injunction law? Not us. We went to our homes and we got our guns, and, 463 strong, marched down to those yards and told these strikers that they would have to step aside and let any man work who pleased, and they stepped aside.” The triumphant, nonsense Donzelmann had bragged about the usefulness of applying Old West-style vigilante tactics to help solve the modern labor problem. “We broke the backbone of the strike,” he reported, “and since then have had no trouble with other strikes.”⁶⁴ Through their actions, Donzelmann and his colleagues revealed their duty, illustrating to fellow activists that his part of the West was no longer wild.

The participants and beneficiaries of this union-breaking campaign were not, Donzelmann insisted, merely concerned with protecting the interests of Cheyenne’s elite. Instead, Donzelmann, like Collison and Fairchild, claimed that he and his colleagues acted out of a genuine desire to help the community’s antiunionist laborers—“the common people”—free themselves from the misery of “union dictation.” And like the Independent Labor League, which emerged in the context of a strike, ordinary workers in Cheyenne apparently were active in the region’s newly formed Independent Order of Labor. Donzelmann told his fellow delegates in Indianapolis that he had chosen to travel to the conference in the interests of this new union of antiunionists, which was hatched, he pointed out, “as a result of their

labor troubles.”⁶⁵ In Donzelmann’s interpretation, the local citizens’ association functioned self-lessly, providing a layer of protection over loyal and law-abiding workers. In this account, it is unclear if the antiunion workers called for the citizens’ alliance’s assistance or whether the elites mobilized independently. We do not know the answer because none of the actual worker-members of the Independent Order of Labor attended the event. Nevertheless, Donzelmann was confident enough to speak on their behalf.

Manufacturers and merchants active in open-shop associations responded favorably to the development of “independent” labor organizations, and they did not seem to care that their spokespersons were typically middle-class reformers and employers like Fairchild, Creel, and Donzelmann, rather than the actual workers themselves. Leading employer-activists like Post expressed appreciation for the presence of Independent Labor Leagues in New York and Indiana shortly after such organizations emerged. But Post, who had become a member of the fourteen-person leadership committee of the CIAA at its first meeting, worried that too few were able to free themselves from the bane of labor-union constraints. He nevertheless applauded what he believed were the progressive efforts of those resisting “the tyranny of the old unions.” Post’s National Association of Manufacturers endorsed these efforts, yet the cereal manufacturer bemoaned what he called “the hundreds of thousands of willing, intelligent workmen” compelled “to submit to the most insufferable conditions.”⁶⁶

The CIAA remained, however, open to “free” workers who had committed themselves to fighting labor “tyranny” from below. Employers like Post helped lead the multioccupational group, but he eagerly collaborated with those who had encountered the labor problem from below. In 1906, another CIAA leader, James Emery, invited Britain’s Collison to address the organization’s annual conference. The former unionist-turned-strikebreaking-king spoke at the organization’s convention in Chicago before touring the nation, where he delivered presentations and met seasoned union fighters, “some of the keenest intellects amongst the business men of America.”⁶⁷ Many shared their frustration with Collison about the activities of demanding unionists, especially their refusal to labor next to nonunionists. Collison explained in his autobiography that he identified with their grievances, and found “the Trade Union bosses in America venal and corrupt to a degree, criminals resorting to every species

of blackmail, unscrupulous and aggressive, and not hesitating to the use of dynamite and wholesale murder to enforce the ‘closed shop.’”⁶⁸ Sharing the view of U.S. open-shop activists, Collison drew stark lines between the supposed criminality and corruption of trade union activists and the common people, the well-intentioned antiunionists who simply desired employment opportunities, steady pay, and peace.

How effective were the era’s multiple campaigns? Employers—enjoying state support, networks of like-minded men in local and national associations, and access to growing numbers of antiunion workers—succeeded in breaking many strikes in the twentieth century’s early years. Groups like the NFA and the NMTA coordinated strikebreaking and union-busting services themselves by offering strikebreakers incentives and by running labor bureaus, whose secretaries closely scrutinized the background of job seekers, blacklisted union activists, and placed “free” workers in members’ shops. And after industrial scuffles, these organizations typically, though certainly not always, received the results they desired. Citizens’ associations also enjoyed victories. Speaking at the CIAA’s second annual meeting in 1904, leader David M. Parry reported, “I believe that fully one thousand manufacturing establishments have, in the last year, abandoned the closed shop and thrown their doors open to workmen without regard to their membership or non-membership in a union.”⁶⁹

As we have seen, employers like Parry and his fellow employers relied on allies outside industrial relations settings, including clergymen, individuals with considerable amounts of moral power. The open-shop advocacy articulated by Stelzle, Elmira’s Miller, and above all, Fairchild—all of whom saw themselves as forward-thinking reformers—demonstrates that, in practice, some faith-based leaders were critical in justifying strikebreaking.⁷⁰ These figures, especially Fairchild, provided the movement with a degree of moral respectability, which was intended to illustrate the reformist, rather than the repressive, character of antiunion movements.⁷¹

Employer-activists like Wyoming’s Hugo Donzelmann found that guns, like bibles, were also useful tools. Donzelmann and his colleagues were not alone, but instead were celebrated by like-minded employers for their efforts. This draws our attention to the undeniable repressive character of a movement meant to elevate the status of antiunion workers. Precisely how many employers resorted to violence in the face of labor strife is difficult to

know for sure. Whatever the case, we can see that they justified brutality by deploying a full-throttled campaign of words that rooted itself in the Progressive Era world of reformism. They defended their vigilante operations not as coldhearted business decisions designed to maximize profits for themselves but instead as a morally necessary strategy meant to protect the common people.

Indeed, Parry's statement tells us nothing about the conditions under which workplaces became open shops, and it fails to explain how workers viewed this form of industrial relations. In any event, wage earners in many locations continued to perceive antiunionists and strikebreakers unfavorably, continuing to call them scabs. Organized labor's spokespersons and rank-and-file unionists throughout the nation saw right through the rhetorical and organizational techniques employed by the broad range of union-busting and strikebreaking activists, including both repressive employers and social reformers. They also remained frustrated that some wage earners uncritically accepted the open-shop movement's language. An unnamed writer for a union publication expressed irritation in 1905 that numerous ordinary people had failed to acknowledge "that behind all the palaver about the heroism of the scab, the boosting of the so-called 'independent' workmen, and the opposition to the 'closed shop' is the desire to coin more money out of wage earners."⁷² But plenty of others rejected the movement's propaganda. According to a 1920 labor publication, the scab was "a renegade to his class—an ingrate who will take the better hours and higher wages though he would not move a step to assist his fellow worker in his struggle to make the common lot of all workers better—the man who does not care who sinks so long as he swims. That is why the world hates a strikebreaker and a scab."⁷³

Notes

1. "Strikes and Injunctions," *Topeka Advocate and News*, 5 October 1898, 8.
2. For more on the Albany strike, see "Stones Thrown at Employes," *New York Tribune*, 14 May 1901, 2; and Victor John Di Santo, "The Streetcar Workers of Albany, 1900–1921: The Union Era" (Ph.D. diss., State University of New York at Binghamton, 1994), 157–97.
3. "New Orleans, La.," *The Motorman and Conductor* 10 (1902), 8.
4. Quoted in "Two of a Kind," *Official Journal of the Amalgamated Meat Cutters and Butcher Workmen of North America*, 2 (November 1903), 38.
5. See "From District, State and Local Organizers," *American Federationist* 9 (August 1902), 456.
6. On workers who have abandoned their class interests, see Jack London, *War of the Classes* (London: Macmillan, 1905), 19–20. Historian John H. M. Laslett offers an example of this in

Colliers across the Sea: A Comparative Study of Class Formation in Scotland and the American Midwest, 1830–1924 (Urbana: University of Illinois Press, 2000), 120. See also Andrew W. Cohen, *The Racketeer's Progress: Chicago and the Struggle for the Modern American Economy, 1900–1940* (Cambridge, UK: Cambridge University Press, 2004), 51–52. Scholars of union-busting and strikebreaking have supported the opinions of labor activists and Jack London. Stephen Norwood has repeated Mitchell's point, noting that turn-of-the-century strikebreakers constituted "a labor force of very low social status, composed largely of the unemployed and containing criminal elements, whose conduct was violent and boisterous." See Stephen H. Norwood, *Strikebreaking and Intimidation: Mercenaries and Masculinity in Twentieth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 53. According to Robert Michael Smith, strikebreakers employed by the Pinkerton Detective Agency usually behaved like a "marauding army" and were "often drunk." See Robert Michael Smith, *From Blackjacks to Briefcases: A History of Commercialized Strikebreaking and Unionbusting in the United States* (Athens: Ohio University Press), 11.

7. "Street Car Strikes," *Kansas City Independent*, 19 May 1900, 1.

8. C. W. Post, "The Employers' and Employees' Union," *Proceedings of the Eighth Annual Convention of the National Association of Manufacturers* (1903), 124.

9. On the times Eliot called strikebreakers "heroes," see Charles J. Bonaparte, "President Eliot and the American University," *Boston Evening Transcript*, 19 March 1904, 2. Eliot was not the first to use this word. According to a trade union source, the first was a Florida publisher in 1886. See "The Non-Unionists—Individualist," *The Amalgamated Journal* 4 (19 March 1903), 8.

10. See Bruce E. Kaufman, *Managing the Human Factor: The Early Years of Human Resource Management in American Industry* (Ithaca, NY: Cornell University Press, 2008), 93. Writers often used the phrase "labor question" interchangeably with the term "labor problem." See Rosanne Currarino, *The Labor Question in America: Economic Democracy in the Gilded Age* (Urbana: University of Illinois Press, 2011).

11. Quoted in "Industrial Congress," *Evening Star*, December 3, 1906, 14. For more on Post's antiunionism, see Peyton Paxson, "Charles William Post: The Mass Marketing of Health and Welfare" (Ph.D. diss., Boston University, 1993), 223–70. This was a powerful insult. In many circles in the late nineteenth century, the term "monopoly" took on an acutely objectionable meaning. Yet most ordinary people associated monopolies with industrial behemoths, dominant businesses that crowded out competitors, exploited workers, and took advantage of consumers. On antimonopoly sentiment, see Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877–1917* (Chicago: University of Chicago Press, 1999), 37; John P. Enyeart, *The Quest for 'Just and Pure Law': Rocky Mountain Workers and American Social Democracy, 1870–1924* (Sanford, CA: Sanford University Press, 2009), 5–7; Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: W. W. Norton, 2011), 111, 329; and Richard R. John, "Robber Barons Redux: Antimonopoly Reconsidered," *Enterprise and Society* 13 (March 2012): 1–38.

12. For more on Citizens' Associations, see Louis G. Silverberg, "Citizens' Committees: Their Role in Industrial Conflict," *Public Opinion Quarterly* 5 (March 1941): 17–37; Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York: Quadrangle, 1969), 47–50; George G. Suggs Jr., *Colorado's War on Militant Unionism: James H. Peabody and the Western Federation of Miners* (Norman: University of Oklahoma Press, 1991 [1972]), 68–72, 75, 77, 109, 146, 151–52, 184; Richard Schneirov, *Labor and Urban Politics: Class Conflict and the Origins of Modern Liberalism in Chicago, 1864–97* (Urbana: University of Illinois Press, 1998), 58–63, 87, 142, 163–67, 204, 334; Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850–1896* (Cambridge, UK: Cambridge University Press, 2001), 318; William Millikan, *A Union against Unions: The Minneapolis Citizens Alliance and Its Fight against Organized Labor, 1903–1947* (St. Paul: Minnesota Historical Society Press, 2001); Theresa A. Case, "Blaming Martin Irons: Leadership and Popular Protest in the 1886 Southwest Strike," *Journal of the*

Gilded Age and Progressive Era 8 (January 2009): 51–82; Sam Mitrani, “Reforming Repression: Labor Anarchy, and Reform in the Shaping of the Chicago Police Department, 1879–1888,” *Labor: Studies in Working-Class History of the Americas* 6 (Summer 2009): 73–96; and John B. Jentz and Richard Schneirov, *Chicago in the Age of Capital: Class, Politics, and Democracy during the Civil War and Reconstruction* (Urbana: University of Illinois Press, 2012), 133, 179–86. Canadian employers also formed Citizens’ Committees. See Reinhold Kramer and Tom Mitchell, *When the State Trembled: How A. J. Andrews and the Citizens’ Committee Broke the Winnipeg General Strike* (Toronto, ON: University of Toronto Press, 2010).

13. Ray Stannard Baker, “Organized Capital Challenges Organized Labor,” *McClure’s Magazine* 23 (July 1904): 279–92.

14. “The Strike at Dallas,” *Houston Daily Post*, 10 June 1897, 4. For another example of employer deceitfulness, see James Green, *The Devil Is Here in These Hills: West Virginia’s Coal Miners and Their Battle for Freedom* (New York: Atlantic Monthly Press, 2015), 127.

15. “The Strike at Dallas.”

16. “The Strike at Dallas.” For more on the Mosher Manufacturing Company, which began operations in 1894, see “New Incorporations,” *Electrical World* 23 (10 February 1894): 194.

17. In 1910, Mosher helped represent the organization’s fifth district, which covered the South. See “Miscellaneous Business,” *Iron Trade Review* 47 (24 November 1910): 960.

18. *Synopsis of Proceedings of the National Founders’ Association*, at Iroquois Hotel, Buffalo, New York (1 February 1899), 5.

19. “The National Foundrymen’s Association,” *Iron Age* 61 (27 January 1898), 27.

20. Antonio C. Pessano, “Organization of Manufacturers Necessary to Obtain the Best Results from Organized Labor: An Address Delivered before the Philadelphia Foundrymen’s Association” (n.p., 1902), 6, 11. This publication is housed at Yale University.

21. Quoted in “Correspondence,” *Iron Molders’ Journal* 36 (November 1900), 663. For more on the strike, see Margaret Loomis Stecker, “The National Founders’ Association,” *Quarterly Journal of Economics* 30 (February 1916), 359; and “Secretary’s Report,” *Iron Trade Review* 36 (12 November 1903): 42.

22. “A Card of the National Founders’ Association,” *Iron Molders’ Journal* 36 (September 1900): 527.

23. The seventeen Cleveland foundry owners held the line on wages. Many strikers, but not all of them, eventually returned to work and received the same wage, \$2.75 a day, which they had received prior to the strike. See “Molders Lose by Settlement,” *Cleveland Plain Dealer* (16 February 1901), 3.

24. “Help Wanted—Male,” *Minneapolis Journal*, 14 February 1902, 15.

25. Andrew W. Cohen, *The Racketeer’s Progress: Chicago and the Struggle for the Modern American Economy, 1900–1940* (Cambridge, UK: Cambridge University Press, 2004).

26. Howell John Harris, “Getting It Together: The Metal Manufacturers’ Association of Philadelphia, c. 1900–1930,” in *Masters to Managers: Historical and Comparative Perspectives on American Employers*, ed. Sanford M. Jacoby (New York: Columbia University Press, 1991), 123.

27. Quoted in “Labor Man Is Wise,” *Worcester Telegram*, 6 June 1902, 5.

28. Employers from as far away as Australia had inquired about the union-breaking activities of Worcester’s employers. See “Metal Trades Association Notes,” *Iron Trade Review* 38 (26 January 1905): 47.

29. “Attitude of Machinery Manufacturers,” *Iron Trade Review* 31 (20 June 1901): 18. For an elaboration of this view, see William H. Pfahler, “Free Shops for Free Men,” *Publications of the American Economic Association* 4 (February 1903): 183. On the emergence of the NMTA’s antiunion position, see David Montgomery, *Workers’ Control in America: Studies in the History, Work, Technology, and Labor Struggles* (Cambridge, UK: Cambridge University Press, 1992 [1979]), 48–82.

30. *Bulletin of the National Metal Trades Association* 3 (December 1904): 562.

31. "Want Ads," *Paducah Evening Sun*, 16 July 1907, 5. IAM members were very active in 1907. See Montgomery, *Workers' Control*, 72.
32. "Splendid Showing," *Iron Trade Review* 42 (26 March 1908): 576.
33. Robert Wuest, "Acting Commissioner's Office," *Machinists' Monthly Journal* 19 (September 1907): 876.
34. William Collison, *The Apostle of Free Labour: The Life Story of William Collison, Founder and General Secretary of the National Free Labour Association, Told by Himself* (London: Hurst and Blackett, 1913), 84.
35. *Ibid.*, 205.
36. *Ibid.*, 119.
37. *Ibid.*, 93.
38. *Ibid.*, 95. For the broader context, see Arthur J. McIvor, *Organised Capital: Employers' Associations and Industrial Relations in Northern England, 1880–1939* (Cambridge, UK: Cambridge University Press, 1996); and Cathie Jo Martin and Duane Swank, *The Political Construction of Business Interests: Coordination, Growth, and Equality* (Cambridge, UK: Cambridge University Press, 2012), 69–88.
39. For more on Fairchild, see Chad Pearson, *Reform or Repression: Organizing America's Anti-Union Movement* (Philadelphia: University of Pennsylvania Press, 2016). 75, 81.
40. Victor John Di Santo, "The Streetcar Workers of Albany, 1900–1921: The Union Era" (Ph.D. diss., State University of New York at Binghamton, 1994), 157–97. On employer-led incitement and sabotage, see Stephen Norwood, *Strikebreaking and Intimidation: Mercenaries and Masculinity in Twentieth-Century America* (Chapel Hill: University of North Carolina Press, 2002).
41. E. M. Fairchild, "Independent Labor League of America," *Corporations Auxiliary Bulletin* 2 (April 1903): 81.
42. Employers maintained open shops after the conclusion of both strikes. On the Hudson Valley strike, see "Hudson Valley Railway Strike," *New York Labor Bulletin* 14 (December 1902): 310.
43. E. M. Fairchild, "Independent Labor League of America," *Corporations Auxiliary Bulletin* 2 (April 1903): 81.
44. "For Independent Labor," *New York Times*, 1 January 1903, 3.
45. On Payne's NMTA involvement, see "Machinists' Strike Bitter," *New York Times*, 25 May 1901, 1; and "Personal," *Age of Steel* 91 (26 April 1902): 26.
46. In addition, Elmira's City Federation of Labor practiced a tradition of supporting labor struggles in the city by organizing boycotts of nonunion workplaces. See "Strike and Labor Troubles," *Bulletin of the National Metal Trades Association* 1 (1 August 1902): 38.
47. "The Payne Strike," *Machinists' Monthly Journal* 15 (April 1903): 291.
48. "Addressed the Strikers," *Elmira Daily Gazette and Free Press*, 16 October 1899, 5.
49. "Certain Injunction and Labor Cases," *Congressional Edition* 5266 (1908), 18. This judge was consistent with others. According to legal historian Daniel Ernst, employers considered "the law a stalwart ally." Daniel R. Ernst, "The Closed Shop, the Proprietary Capitalist, and the Law, 1897–1915" in *Masters to Managers: Historical and Comparative Perspectives on American Employers*, ed. Sanford Jacoby (New York: Columbia University Press, 1991), 132. For more on the state and labor, see Edwin E. Witte, *The Government in Labor Disputes* (New York: McGraw-Hill, 1932); William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge, MA: Harvard University Press, 1989); Gerald Friedman, *State-Making and Labor Movements: France and the United States, 1876–1914* (Ithaca, NY: Cornell University Press, 1998); and George I. Lovell, *Legislative Deferrals: Statutory Ambiguity, Judicial Power, and American Democracy* (Cambridge, UK: Cambridge University Press, 2003).
50. E. M. Fairchild, "Independent Labor League of America," *Corporations Auxiliary Bulletin* 2 (April 1903): 84.

51. E. M. Fairchild to Charles W. Eliot, 28 February 1903, UAI 5.150, Box 38, Harvard University Archives, Cambridge, Massachusetts. Courtesy of the Harvard University Archives.

52. Ibid.

53. The organization adopted a Ralph Waldo Emerson quotation as their motto: "Of what avail the plow or sail, / Or land, or life, if freedom fail." *Constitution and Bylaws of Grand Lodge of the Independent Labor League of America* (1903), 3–4. Also see "New Labor League Officers Elected," *Elmira Daily Gazette and Free Press*, 28 March 1903.

54. E. M. Fairchild, "Independent Labor League of America," *Corporations Auxiliary Bulletin* 2 (April 1903): 80–88.

55. "Refuses Machinists' Demands," *New York Times*, 9 June 1903, 3.

56. Quoted in Fairchild, "Independent Labor League," 83.

57. Quoted in "To Protect the Right to Labor," *Iron Trade Review* 36 (26 March 1903): 39.

58. "A Non-Union Union," *Kansas City Independent*, 13 June 1903, 8. The number of antiunionists in the Workingmen's Protective Association, which had branches in Indiana and Maryland, reached 8,000 workmen according to its spokespersons. See Julie Greene, *Pure and Simple Politics: The American Federation of Labor and Political Activism, 1881–1917* (Cambridge, UK: Cambridge University Press, 1998), 205.

59. On the slogan "for the protection of the common people," see Chad Pearson, *Reform or Repression: Organizing America's Anti-Union Movement* (Philadelphia: University of Pennsylvania Press, 2016), 56–87. For more on the Citizens' Alliance and its populist language, see *The History of the Strike That Brought the Citizens' Alliance of Denver, Colo., into Existence*, ed. J. C. Craig (n.p., 1903), Western History Collection, Denver Public Library; Rosemary Feurer, *Radical Unionism in the Midwest, 1900–1950* (Urbana: University of Illinois Press, 2006), 8.

60. "New Leaders," *Kansas City Independent*, 15 August 1903, 1.

61. "Labor and Capital," *Kansas City Independent*, 27 June 1903, 1.

62. Charles Stelzle, "Class Spirit in America," *Open Shop* 4 (April 1905): 160. For more on Stelzle, see George H. Nash III, "Charles Stelzle: Apostle to Labor," *Labor History* 11 (Spring 1970): 151–74. For an elaboration of this view, see Jean-Christian Venel, *The Employee: A Political History* (Philadelphia: University of Pennsylvania Press, 2013), 25–28.

63. *Proceedings of the Second Annual Convention of the Citizens' Industrial Association of America, November 29 and 30, 1904* (Indianapolis: CIA Publication Department, 1904), 126.

64. "Shotguns Used to Break a Strike," *Indianapolis Journal*, 23 February 1904, 10; and "Says a Report from Parry's Indianapolis Convention," *Weekly People*, 5 March 1904, 1. It is difficult to say whether or not elite vigilante actions like the one that Donzelmann helped organize were commonplace. According to historical sociologist Isaac William Martin, such actions were rare. See Isaac William Martin, *Rich People's Movements: Grassroots Campaigns to Untax the One Percent* (Oxford, UK: Oxford University Press, 2013), 34. Other scholars disagree. In 1901, Tampa's organized employers kidnapped and placed thirteen union activists on a boat bound for Honduras. Their example inspired others, including mine owners in Colorado. See Robert P. Ingalls, *Urban Vigilantes in the New South: Tampa, 1882–1936* (Knoxville: University of Tennessee Press, 1988), 55–86. In their study of the great Michigan copper strikes of 1913–14, historians Gary Kaunonen and Aaron Goings also disagree with Martin, noting that employers participated in "various forms of labor violence" in the early twentieth century. See Gary Kaunonen and Aaron Goings, *Community in Conflict: A Working-Class History of the 1913–14 Michigan Copper Strike and the Italian Hall Tragedy* (Lansing: Michigan State University Press, 2013), 13, 40. Also see Christopher Capozzola, "The Only Badge Needed Is Your Patriotic Fervor: Vigilance, Coercion, and the Law in World War I America," *Journal of American History* 88 (March 2002): 1354–82.

65. "Shotguns Used to Break a Strike," *Indianapolis Journal*, 23 February 1904, 10.

66. National Association of Manufacturers, *Proceedings of the Eighth Annual Convention*, New Orleans, LA, 14–16 April 1903, 124.

67. Collison, *Apostle of Free Labour*, 311.

68. Ibid.

69. David M. Parry, "President's Address," *Proceedings of the Second Annual Convention of the Citizens' Industrial Association of America, November 29 and 30, 1904* (Indianapolis: CIA Publication Department, 1904), 12.

70. Scholars have long shown that employers relied on clergy in coal, steel, and textile company towns to preach a gospel of acquiescence. They enjoyed a degree of moral respectability, which helped legitimize the open-shop movement's reformist characteristics. See David Alan Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880–1922* (Urbana: University of Illinois Press, 1981), 148–54; Jacquelyn Dowd Hall, James Leloudis, Robert Korstad, Mary Murphy, Lu Ann Jones, and Christopher B. Daly, *Like a Family: The Making of a Southern Cotton Mill World* (New York: W. W. Norton, 1987), 177–78; and Green, *The Devil Is Here*, 21.

71. For a now-classic work on the limits of Protestant support for working-class struggles, see Ken Fones-Wolf, *Trade Union Gospel: Christianity and Labor in Industrial Philadelphia, 1865–1915* (Philadelphia: Temple University Press, 1989).

72. "The Open Shop: An Incentive to Dishonesty," *Official Journal of the Brotherhood of Painters, Decorators, and Paperhangers of America* 19 (January 1905): 10.

73. "The World Hates a Strikebreaker or a Scab," *American Photoengraver* 12 (March 1920): 172.

3 Employers' Path to the Open Shop in Detroit, 1903–7

THOMAS A. KLUG

Detroit of the late 1920s was the epitome of the thriving and booming open-shop city. As the renowned “capital of industrial freedom” and the reputed “graveyard of labor organizers,” the fourth-largest U.S. city represented the ideal environment for employers who relished virtually unchallenged managerial authority over labor.¹ Most of the economy was entirely free of union interference. This was particularly true of the city’s largest industry: scarcely a labor organization existed among the 285,000 employees of sixteen major automobile and auto-related corporations operating in the Detroit area.²

Employers had worked hard to bring about this state of affairs. Indeed, they attributed Detroit’s success to their own ability to keep unions out of the city, as when Chester Culver, the general manager of the Employers’ Association of Detroit (EAD), claimed in 1928, “Detroit is Detroit because of the open shop.”³ Detroit employers had been eager participants in the turn-of-the-century wave of employer organizing known as the open-shop movement, when several single-industry and multi-industry employer organizations built a massive antiunion movement. In Detroit, the expression of this employer antiunion organizing was the EAD, formed in late 1902 when organized brass manufacturers joined with foundry and machine shop proprietors. According to the conventional narrative, during the next few years the EAD presented a united front against unions, resulting by 1907 in what historian Allen Nevins referred to as “the Waterloo of organized labor in Detroit.”⁴

This essay seeks to complicate that narrative, which ultimately relies on employers' stories about themselves, their cause, and their struggles.⁵ Employers told this story proudly, both at the time and for years thereafter, emphasizing that they had fought for what EAD secretary John Whirl called their "self-respect as employers of labor" and attributing Detroit's phenomenal industrial expansion not to accidents of geography, and certainly not to climate, but rather to the bold and determined stand of employers who fought together, altruistically, on behalf of the freedom of employers and nonunion workers.⁶ Although modern scholars have not necessarily accepted employers' claims about their altruism, they have rarely questioned the employers' determination and success in routing unions. "After 1902," writes Stephen Meyer, "Detroit was the 'open shop' city *par excellence*. At that time, the Detroit Employers' Association waged a 'vigorous fight against the various unions in the metal industry' and completely defeated the traditionally strong unions in the metal trades." In *Building the Union*, labor scholar Steve Babson remarked, "Detroit's craft unions met with a crushing defeat in 1907."⁷

I, too, was quite captivated by this tale that explained the rise of the open shop in Detroit through a combination of near-mythic employer unity and strength, on the one hand, and profound labor weakness on the other. Then, in early 1986, while doing research for my dissertation, I accepted an invitation to work temporarily full-time at the Employers' Association of Detroit. During my lunch breaks I had free rein to poke around file drawers and explore out-of-the way spaces. One day I discovered several dust-covered boxes on the top shelf of the mail room. Inside was a variety of long-forgotten documents, including lengthy transcripts of meetings of employers belonging to the Brass Division of the EAD.⁸

These verbatim transcripts offer a rare look at a group of employers operating behind closed doors. They lead us to challenge the dominant EAD narrative as too simple a view of employers and their actual behavior. Employers, it turned out, were far more cautious, hesitant, and uncertain about courses of action than has been depicted. They were not always sure what steps to take or how and when to take them. They certainly were not all open-shop crusaders aching to gamble everything in a war with organized labor. The documents show employers carefully considering their actions in light of the anticipated reactions of trade unionists. They understood that local unions had resources, too, and that national union

officials could provide them with substantial support for long-drawn-out battles. Nor were employers necessarily united or disciplined in their struggles. Instances of individualistic behavior, some of them quite embarrassing to the EAD, occurred alongside moments of intense employer solidarity. The notion of the solid employer front was largely a fiction.

A close examination of several key strikes that occurred from 1904 through 1907 in Detroit's brass industry also casts doubts on employers' claims of victory. Contrary to the EAD line, the year 1907 was not the moment when labor in Detroit met its Waterloo and employers emerged fully triumphant. Indeed, organized labor, which drew power from craft labor markets and the local geography of working-class residences, saloons, and factories, proved quite resilient. An analysis of the balance of power between brass industry employers and unions during these critical years suggests that the open shop was a far more limited and tenuous institution than employers liked to think—which perhaps was one reason why they were so insistent on telling an empowering tale of its triumph.

Brass Manufacturers and the Brass Workers' Unions, 1903–4

In Detroit employer lore, brass manufacturers severed relations with organized labor not long after the formation of the EAD and its adoption of open-shop principles at the founding meeting of the association in February 1903. Brass shop owners faced several union antagonists, including machinists and iron molders, but particularly troublesome was Local No. 1 of the Metal Polishers, Buffers, and Platers International Union of North America. According to John Trix of the American Injector Company, who recalled the early days of the EAD in a speech at the annual meeting in 1916, employers entered into three separate agreements with brass workers in 1903. Because of repeated union violations of the accords, employers in the middle of the year decided to sever relations with the trade unions once and for all. Chester Culver, discussing the matter in 1953, more or less accepted Trix's story, adding that this was the moment when "the fight for the open shop began."⁹

The version of events given by Trix and Culver, which focused upon the duplicity of organized labor, was simplistic and inaccurate. Collective bargaining did not suddenly fail in 1903. In May, brass manufacturers entered into an agreement with the unions.¹⁰ An economic slowdown later

in the year gave them a perfect opportunity to reverse the recent gains of organized workers.¹¹ Yet the agreement with the brass workers' unions continued in force, and when it expired the following spring, the EAD agreed to extend it on a month-by-month basis, mainly because it was preoccupied with a major strike in the building trades that dragged on into the summer months.¹²

The accommodation struck between employers and the brass unions might have continued indefinitely had the EAD Brass Division committee not decided on 2 September 1904 to change the conditions of employment. After mulling over general trade conditions, committee members sought to reduce and adjust wages and increase the standard work week from fifty-five to sixty hours.¹³

On the evening of 6 September, most employers of the Brass Division held a special meeting to ponder the recommendations of the divisional committee. Practically all agreed to take action even if it might lead to a confrontation with the unions. But there was no consensus on a specific course of action. William Fraser of the Detroit Brass Works endorsed a 5 percent wage cut, with the suggestion that it be returned to certain workers as a reward or bonus for "faithful service." The "real issue," however, he defined as the privilege of employers in running sixty hours a week without having to pay overtime. Albert Hecker, the manager of the Eagle Brass Works, insisted that polishers and buffers were paid too much and could stand a slight reduction. Claudius Thomas of the Michigan Brass and Iron Works said that he used boys to do polishing and buffing work in his shop. "My experience taught me that it does not require a man to spend all his life to learn it."¹⁴

Not all employers agreed. "I think the present wages are nothing more than fair that we pay the buffers and polishers," remarked David Ireland, president of the Ireland and Matthews Manufacturing Company. "I think a man that stands up to a wheel all day and buffs should be entitled to 25¢ an hour." Charles Calder of the Detroit Shipbuilding Company concurred. "I don't believe the men are getting any more than they ought to get to live decently," he said.¹⁵

Some employers expressed doubts about increasing working hours. "How would it look to talk about depression and then want to work ten hours a day?" asked S. O. Johnson of the Penberthy Injector Company.

Another objected on tactical grounds to increasing the length of the work week. "If we go back to the ten hour proposition," said Clarence H. Booth, president of the Peerless Heater and Valve Company, "that is one thing that would affect the whole shop and all the unions would be affected. ... I believe we are treading on dangerous grounds." It was best, he thought, to deal with one union at a time, "but we really resuscitate the unions by taking this up."¹⁶

Not only were employers unable to reach a consensus on wages and hours, they also had some trouble deciding whether to cancel the agreement that the Brass Division had with the various brass unions. But there were conflicting notions about what cancelation entailed in practice. A couple of pragmatists emphasized the advantages of accommodation.¹⁷ "These people control a certain number of men," explained Johnson, and "if we are going to abrogate this agreement we are going right back to the old times before we had any arrangements." He pointed out that past agreements had bought "a year and a half of peace. ... I don't believe we ought to ignore these people. We treated them as gentlemen and all the talks we have had have ended in some good."¹⁸

Fraser likewise hesitated over the potential destabilization of the labor market should employers fail to arrive at a standard policy on wages and hours. He reminded fellow employers that unity of action brought stability in times that were more favorable to unions than employers. "When trade commences to go the other way we don't want to get into the position of the men whipsawing us and leaving your shop and coming to mine until they pushed the wages way up." For Fraser, order required employers work out a new deal with the unions as long as their representatives could enforce it. "While we claim that we do not recognize them, we will recognize anybody who wants a conference and can deliver the goods they agree to."¹⁹

Most employers, though, agreed with a motion offered by Dougald Roberts of the McRae and Roberts Company proposing to terminate the agreement at the earliest opportunity and then presenting workers with a new policy on wages and hours. Roberts spoke of his frustration from the previous year and a half: "I have learned that the unions have some of the sharpest and shrewdest men and ... they will meet you for the next six months while the times are as they are and they will not want any arrangement." He advocated threatening to replace workers unless they accepted the new terms of employment. Roberts insisted that manufacturers

had “to be very reasonable and not go to extremes” to avoid provoking a massive confrontation with the unions in the brass industry.²⁰

Other employers had more respect for the latent power of labor. This was particularly true of Fraser, who supported formal discussions with union committees and maintaining businesslike relations with union officials. “We have always maintained that if we could keep our relations with our men on a business basis we had ability enough to get what we want, but as soon as it got to a force basis, they have got the strongest club.” He put the matter bluntly: “the unions lose each point by negotiation. Every point that we fight about we strengthen the union that much.”²¹

Two days later EAD Secretary John Whirl notified Ed Jarrait, secretary of the joint executive board of the various brass unions, that, effective 9 October the Brass Division would no longer recognize any agreement. Trade unionists became convinced that employers planned to act quickly in implementing their wage and hour program. Jarrait told a meeting of the Metal Trades Council that manufacturers would soon try to cut wages and institute the ten-hour day.²²

Contrary to the impressions of trade unionists, employers in reality moved slowly and hesitantly. On 22 September seventeen members of the Brass Division voted to maintain the fifty-five-hour workweek. After considerable discussion on the wage question, they agreed only on united action among employers. Six days later the Divisional Committee took up the issue of wages and how to regulate them. Fraser and Roberts, together with Frederick Hodges of the Detroit Lubricator Company and August Blesch of the Standard Sanitary Manufacturing Company, accepted the basic axiom that “supply and demand ... was the true solution” in setting workers’ pay. The problem, they immediately discovered, was that such a lofty principle provided little practical guidance. An unregulated market might destabilize the labor market and drive up wages when economic conditions improved and employers scrambled madly to obtain trained workers. There was the additional dilemma of whether the entire division was obligated to come to the aid of a manufacturer who recklessly reduced wages below what was fair and prudent.²³

Eventually the committee worked out a new minimum scale of wages for “competent journeymen,” which the full division received at its meeting on 5 October. For polishers and buffers, this amounted to wage reductions of 8.4 percent and 6.9 percent, respectively. Other brass trades suffered a 5

percent loss. The 5 October meeting was a victory for employers who worried that the nullification of the agreement with the brass unions—which quietly expired four days later—might unsettle the labor market.²⁴

The immediate concern of the Brass Division was figuring out how to set in motion the new wage package. They worried that companies at the last minute would fail to act in unison. John Whirl, moreover, contemplated possible union resistance. As a hedge against a strike, and in order to assist the EAD labor bureau and injunction servers, he sent a letter on 2 November to members of the Brass Division requesting complete information on the polishers and buffers in their employ. Whirl probably also communicated with potential strikebreakers.²⁵

While employers were preoccupied with the approaching wage reduction, a dispute erupted between the Clayton and Lambert Manufacturing Company and Metal Polishers and Buffers Union No. 1, bringing the EAD and the city's brass unions to the verge of open war. From the union's perspective, the EAD was behind Clayton and Lambert's dismissal of its union metal polishers on the grounds that work was slack. Two weeks later, the company offered to reemploy them at significantly lower piecework prices. The union felt the EAD had decided to manufacture a crisis, blame it on organized labor, and use the resulting confusion as an excuse to attack the unions. Determined to stand up to the EAD, union business agent Ben Stouder on 7 November informed the company's management that no union man would work in its polishing department until it restored a fair scale.²⁶

Employers, on the other hand, saw the labor strife at Clayton and Lambert and Stouder's proclamation of a labor embargo as an unwarranted act of union aggression. On 15 November John Whirl blamed the problems on union leaders' misrepresentations and issued an ultimatum to the three hundred polishers and buffers in the EAD shops: They would be locked out unless the labor boycott against Clayton and Lambert was lifted by Monday, 28 November.²⁷

Just as the crisis reached the flashpoint, both sides backed down. The EAD canceled its threatened lockout under the influence of what the labor press called some "broad-minded" employers within the organization. It is not certain how the union and the management at Clayton and Lambert eventually resolved their differences, but that they came to some kind of

settlement is indicated by the fact that neither the labor press nor EAD records contain further references to labor troubles at the company.²⁸

The Clayton and Lambert showdown indicated the brass unions were not going to tolerate attacks by employers. Fear of union resistance caused brass manufacturers to back off from cutting wages in late 1904. Until employers were prepared to do whatever was necessary to fight organized labor and assume the risks and costs inherent in such an undertaking, the unions could thwart employers' open-shop demands. For the moment, at least, the local open-shop movement's bark was more threatening to labor than its bite.

The Ideal Manufacturing Company and the Metal Polishers, 1905–6

One employer assumed the lead in the struggle against organized labor in the brass industry in the years 1905–6: the Ideal Manufacturing Company. Established in 1885 by the Dwyers, one of Detroit's preeminent stove-making families, the firm produced an assortment of metal products, from gas stoves to plumbing supplies, sanitary equipment, and toys. Around 1905, the company's factory on Franklin Street employed some four hundred workers, including a substantial number of iron molders and brass finishers.²⁹ Ideal was one of the first firms to join the EAD and it evidently embraced the open shop. In practice, however, Ideal prudently maintained direct relations with both Iron Molders' Union No. 31, the powerful union of local stove-plate molders, and Metal Polishers and Buffers Union No. 1. In May 1904, Ideal apparently entered into an oral agreement with the Metal Polishers and Buffers Union that provided for the fifty-five-hour workweek, a ratio of one apprentice to eight journeymen, and the assignment of union men to polishing machines. Although officially committed to the open shop, Ideal ran a de facto union shop in its polishing department. The company retained the right to employ anybody it chose, regardless of affiliation with organized labor, but in practice all its polishers were union men.³⁰

Toward the end of 1904, however, and under the cover of a layoff, Ideal decided to alter the conditions of employment and institute the open shop. In early January, the company extended the workweek to sixty hours. Then

management—perhaps eager to precipitate a strike—hired Charles Hoffman, a nonunionist, and put him to work in the polishing room even though a number of union men were still unemployed. After the plant superintendent refused to agree to a conference, workers walked out to meet with union business agent Stouder. Later, upon returning to work, the polishers found their overalls lying in a pile outside the factory gate. It was soon clear that the entire matter was orchestrated by the EAD and John Whirl, who had headed the gas stove department at Ideal before becoming secretary of the EAD.³¹

Not long afterward, a crowd of two to three hundred polishers and their supporters rallied outside the Ideal plant to condemn the company's aggression. Referring to the "unholy scheme" of the "wild-eyed agitators in the EAD," many suspected that Whirl had put Ideal up to hiring Hoffman as a ploy to provoke trouble. When members in the crowd saw Hoffman leaving work after quitting time, they pounced on him just before he could board a streetcar and roughed him up. The police charged a union polisher with assault. The attack enabled Ideal, assisted by the EAD, to obtain a court order to restrain picketing.³²

Armed with an injunction, Ideal had the police clear the streets in the vicinity of its plant, which was situated in the densely settled industrial district along the east riverfront near an assortment of shops and saloons.³³ The police went so far as to warn a saloonkeeper "not to permit any metal polishers who enter his place to look out of the windows."³⁴ But the union refused to go away. Every evening at quitting time, polishers and their supporters from neighboring factories assembled near Ideal and confronted strikebreakers with appeals to worker solidarity and threats of physical harm.³⁵ And, as usual, a squad of policemen showed up to push back the crowd and see that strikebreakers safely reached the streetcars.

By the winter of 1905–6 picket activity and the police contingent had diminished. In late March 1906, however, in the aftermath of the assault by the Detroit Police Department on striking union metal polishers at the Burroughs Adding Machine Company on the city's north side, large crowds began to gather around Ideal at the end of the workday. This was a calculated move to force the EAD to abandon its antiunion crusade. "If Whirl and his crowd will agree not to pick a fight in some other shop and so continue this unpleasantness," said one union officer, "we will agree to call

off the strike on the Ideal and go back to work just as if nothing had happened.”³⁶

A sharp escalation in crowd activity occurred during May. Once again, Ideal called upon the police to escort nonunion men to their homes, but to no avail. Ideal was barely able to keep one or two nonunion polishers on the job. One obviously frustrated manager complained, “We have our injunction, but what good is it doing? When there are no officers here 150 men come down from one of the stove companies. They walk along in a way not to technically violate the injunction, but still it sets the nonunion men to thinking, and one by one they quit. The next night we have the officers there and no union men appear. The next night there are no officers and 150 or 200 men from another shop march by. Not the same men who did before: they can’t be identified, and there we are.”³⁷

It was not long before the police began fighting back. The superintendent of police, John Downey, issued a “no loitering” order for the area around Ideal. On the streets the police began enforcing the order with clubs. Ben Stouder warned that “if the police start this clubbing, there’ll be a thousand men down here at Ideal.”³⁸ Indeed, on 2 August, a crowd of some five hundred workers confronted strikebreakers and police; “Bloody Riot” was how the daily newspapers portrayed the incident, and eighteen unionists were arrested. The next morning more than one hundred police officers showed up with an order to pacify the surrounding neighborhood. The *Michigan Union Advocate* described the antics of a police force that had “gone mad.” In one incident, police allegedly roughed up “an aged woman with a market basket on her arm” because she did not move quickly enough through the patrolled area.³⁹ Police Superintendent Downey harassed saloonkeepers and patrons. In one case he and his men abused a bartender “for harboring a lot of loafers,” clearing out a dozen men who were reading newspapers and drinking beer.⁴⁰

The rioting led the Ideal Manufacturing Company to close for an indefinite period of time. The EAD labeled the trouble at Ideal “an act of organized warfare” by the trade unions that threatened capital investments, and Ideal may have considered abandoning Detroit. At a special meeting on 8 August, EAD members vowed to discontinue employing union labor altogether if public authorities failed to protect the property and workmen of Ideal when it reopened for business.⁴¹

The 8 August resolution certainly demonstrated the lengths to which the EAD might go to defend one of its besieged members. But it turned into a public relations disaster for the EAD. The *Detroit Journal*, which only recently had condemned union-inspired violence, now turned against the EAD. “The action of the Employers’ Association,” the editors wrote, “comes just at a time when the moral victory rested with them.” Holding union workers hostage over the Ideal mess was unjustifiable, the paper reasoned; the “astonishing and incendiary” resolution was truly an enemy of industrial peace in Detroit. The *Detroit News* named John Whirl as the chief obstacle to a reasonable settlement of the Ideal dispute.⁴²

In mid-August, union men arrested and charged with contempt for violating the labor injunction went on trial. The union attorneys focused attention on the radical behavior of Whirl and the EAD, seeking to show that Whirl and the EAD had instigated the trouble at Ideal to break up the unions and that he kept a list of blacklisted workers. The defense, however, failed to bring Whirl into court (he was conveniently on vacation in Canada), and when the verdicts came down on 6 September, it was evident that the defense arguments about an EAD conspiracy had made little impression on the court. The cases against three of the defendants were discharged, but ten received fines of \$25 and four (including Martin Ludwig, the former metal polishers union president) were sentenced to ten days in jail.⁴³

Astonishing news arrived the day after the trial’s conclusion, and within two weeks, it became clear that the intervention of Jeremiah Dwyer, president of the Michigan Stove Company and probably one of Ideal’s largest stockholders, had led to a settlement. According to the *Detroit News*, a “most unimpeachable authority” revealed that Ideal had given in on the fifty-five hour workweek and the union shop and agreed that workers would not have to deal with Whirl and the EAD labor bureau.⁴⁴

The resolution of the Ideal strike on such terms was a major blow to the EAD and John Whirl. In early 1907, when Ideal reorganized its management, James W. Dwyer (the son of Jeremiah), became the new vice president. The most important change came with the ouster of Frank Bartlett as general manager; James Dwyer also took over Bartlett’s job. Bartlett had represented the company at EAD meetings and likely was an ardent supporter of a hardline approach against the union, even to the point of embroiling his own company in an endless series of battles. Bartlett paid

the price when the company's owners and other officers finally realized the immense costs of the labor war and brought it to a belated end.⁴⁵

One last substitution indicated just how far Ideal moved toward an accommodation with unionism. The company named John J. O'Neil as its new superintendent. O'Neil, a prominent member of Iron Molders' Union No. 31, had worked at the Michigan Stove Company since 1872. Organized labor quickly picked up the signal. "Since the troubles of last year were amicably settled," noted the *Michigan Union Advocate*, "this company has placed itself right in line as a union shop and the appointment of Mr. O'Neil to this important position places the concern in the front rank as a friend of organized labor." The 1907 Labor Day edition of the *Michigan Union Advocate* listed Ideal as among the businesses that supported organized labor.⁴⁶

Ideal's desertion of the open-shop cause had to embarrass the EAD. Not one of the officers of the EAD mentioned the ending of the strike at the organization's annual meeting on 19 February 1907. But there was worse to come. When the state supreme court reaffirmed the ten-day jail sentence against Martin Ludwig, three of Ideal's officers wrote to the Wayne County Circuit Court asking it not to enforce the sentence. Ideal's action took the EAD completely by surprise and outraged the association's membership, which had contributed thousands of dollars to the company's defense.⁴⁷

Trade unionists likely concluded from the Ideal strike that it was possible to contain the open-shop movement in Detroit by massing their forces against a single company. "So we have fought," remarked Ben Stouder of the Metal Polishers, "and in doing so have increased our membership to over 700 and prevented any other proposed 60-hour break in the 85 shops in Detroit in which our men are employed."⁴⁸ For manufacturers, the moral of the contest was that they must not allow one firm, even if supported by the full weight of the EAD, to alone bear the brunt of trade union attacks. For the future this required a wider sharing among employers of the burden of fighting organized labor. Of course, the direct involvement of the mass of employers in a single strike or lockout would mean a dramatic escalation in the level of labor-capital conflict. But it was apparent by 1907 that employers had little chance of overcoming the entrenched forces of trade unionism unless they dramatically raised the stakes and engaged their enemy in decisive battles.

The 1907 Showdown in the Metal Trades

Addressing the annual meeting of the EAD in 1905, the organization's president, Edward T. Gilbert of the Michigan Bolt and Nut Works, warned of the lingering strength of the trade unions. "The unions," he said, "will have as many lives as a cat, and we shall be hearing the echoes among the hills for many years yet." Early the following year, Gilbert again counseled employers against complacency. "You speak of times of peace," he declared. "There isn't any time of peace. If the trouble is not active it is latent, and that seems to be the idea we are losing sight of."⁴⁹

Gilbert's statements reflected his realization that embattled workers could often count on the support of others. The more employers threatened organized labor, the more the threats solidified labor's ranks. Indeed, by early 1907 the city's machinery molders, machinists, and metal polishers and buffers were emboldened. "At the beginning of the year 1907," recalled EAD President August Blesch, "the business agents of the various unions were wearing 'smiles that would not come off,' and at every opportunity they volunteered the information that in the early spring organized labor was going to put the Employers' Association out of business."⁵⁰

Among a wide variety of labor conflicts that took place in Detroit in 1907, by far the most intense fight occurred in the brass industry between the EAD Brass Division and Metal Polishers and Buffers Union No. 1. The contest started off simply. In April 1907, the union issued demands to thirty-five brass firms, about half of whom were affiliated with the EAD. The union asked for a minimum wage of 33 cents per hour for both polishers and buffers (up from 26 cents and 23 cents, respectively), a ten-minute paid wash-up time at the end of the workday, and a union shop in polishing and buffing rooms. After holding several meetings, the EAD Brass Division Committee voted to reject the union's demands, although it advised employers to increase wages to 28 cents for polishers and 25 cents for buffers. The offer was unacceptable to the workers, and on 26 April union members voted to strike brass shops that had not met their terms. The next day between three hundred fifty and five hundred metal polishers and buffers refused to report to work at twenty-five companies, including sixteen members of the EAD.⁵¹

It did not take long for the conflict to turn nasty when companies began to employ strikebreakers. On 6 May employers warned strikers to report to

work in five days, otherwise their jobs would go to nonunionists. Trade unionists promptly responded by using force and intimidation to disrupt the recruitment of scabs. Twenty men attacked a strikebreaker as a patrolman led him home from the Michigan Lubricator Company. The assailants dispersed only when the officer drew his revolver. Similar incidents occurred for the next several weeks.⁵²

By the end of the first week in June, the strike was still on at sixteen brass companies affiliated with the EAD. Every day strikers picketed factories, while police led strikebreakers to and from work. But in comparison with the “serious rioting” of the previous year at the Ideal Manufacturing Company, the *Detroit Journal* observed, the current strike was remarkably peaceful. Indeed, it was “doubtful if one-third of the population of Detroit” even knew a labor dispute was underway.⁵³

The turning point came on 15 June. Nearly two hundred strikers and strike sympathizers began gathering before dawn around Sterling and Skinner, on the northern side of the city at Grand Boulevard and Russell Street. Mean-while, at a boardinghouse only a few blocks away, a sixteen-man police patrol was escorting twenty-three Hungarian-born strikebreakers. When the group, traveling on foot, came within sight of the factory, angry strikers let loose with a volley of stones and sticks. The crowd pulled back only when the police drew their revolvers and threatened to open fire. After safely depositing their charges at the factory, the police unit linked up with ten new reinforcements, swung around, and charged the menacing crowd. The strikers gave way before the show of police power and retreated, but not before hurling more rocks into the advancing line of patrolmen. One stone hit Officer Christian Hess in the head. He got up, regained his balance, and gave chase for another block, until he was surrounded and beaten by workers. The other patrolmen did not fare much better. As they passed by the Art Stove Company, workers inside pelted them with numerous brass objects. By the time the police finally reached the commons area near the grounds of the American Car and Foundry Company, the strikers and their friends had scattered in all directions. Dozens of workers found sanctuary in the various saloons in the district, where they bided their time, waiting for a second confrontation with Sterling and Skinner’s scabs at the noon quitting hour. At midday, strikers and their friends once again mixed it up with police, although this time the police nabbed two metal polishers from the Art Stove Company.⁵⁴

The labor dispute had reached a new level of intensity as Detroit's metal polishers proceeded to step up their attacks on strikebreakers. During the ensuing workweek, strikers and their trade-union allies fought moving battles with scabs and police in a final effort to paralyze the operations of holdout companies.⁵⁵ The most spectacular display of raw union power came early Monday evening, 17 June, when workers carried out a premeditated attack on a crew of Hungarian strikebreakers riding a streetcar to their homes in the Delray district in southwest Detroit. When the Fort Street car approached Brooklyn Avenue, it ran into a hail of stones and bricks intended for the scabs. The two accompanying patrolmen jumped off the car after it came to a halt. They pursued a few stone-throwers, but the latter managed to elude capture by fleeing into a saloon and out the back door. After the streetcar resumed its route and had gone only a few blocks, it ran into another ambush, this time by the main contingent of three hundred workers. Stones and bricks rained down on the car, which had once again stopped in its tracks. A few strikers reportedly drew handguns and fired. The police returned fire by shooting into the air to scare off the attackers. One of the strikebreakers also joined in the fray by pulling out his own revolver and firing several shots into the crowd.⁵⁶

It is surprising that nobody was seriously hurt in what the daily newspapers called the "Fort Street Riot." Employers understood that the scale and timing of the attack indicated that a lot of planning had gone into the operation. Citing the semimilitary formations of workers as evidence of deliberate planning, the *Detroit Free Press* noted that on Monday rioters had run rampant over nearly one-quarter of the city and controlled Fort Street, a major line of communication.⁵⁷

The overt use of violence by strikers and their allies unnerved many strike-breakers. By Tuesday morning only seven gutsy men dared to show up for work at Sterling and Skinner. Through a hail of stones and beer bottles, and joined by security force of fifty-five police officers, they were able to make it to the factory. Then, in what was becoming something of a daily ritual, the police swung around to scatter a crowd of some four hundred workers. In the morning melee police arrested five workers for disturbing the peace, including a metal polisher, a molder, and an eighteen-year-old bricklayer. Another brawl outside the factory took place in the evening.⁵⁸

Sterling and Skinner's management could not fathom why it, out of a host of struck firms, should bear the brunt of the metal polishers' aggression. On Wednesday morning twenty lathe hands walked out in sympathy with the polishers and buffers. The shortage of polishers had already forced Sterling and Skinner to close its brass foundry. Now the defection of the lathe hands forced plant officials to consider shutting down the plant altogether. Frederick Skinner, one of the firm's principal owners, warned that the company might even close for good because Detroit had acquired the name of "the labor trouble city." "At this very moment," Skinner explained, "there is being waged, between capital and labor, one of the fiercest conflicts in the history of Detroit." He worried about a general mobilization of the city's working class, similar to the one that last occurred in 1886. "Unless I am greatly mistaken," he prophesized, "10,000 laboring men will be seen parading the streets of Detroit within a period of 30 days."⁵⁹

"The situation now borders on anarchism," said a worried William Fraser as the conflict dragged on into the eighth week. He warned that unless the police and courts took prompt action to suppress disorder, capital would flee Detroit. It was time, he said, that strikers who broke the law receive heavy thousand-dollar fines, and those who assaulted "independent workmen" should be charged with intent to commit murder, not disturbing the peace. The police commissioner agreed and suggested that police might have to start using bullets, rather than clubs, to regain control. To end the lawlessness and protect the brass factories, EAD attorney George Monaghan asked Democratic mayor William Thompson to proclaim an emergency and request the state militia, but Thompson turned him down.⁶⁰

THE KIND OF STRIKEBREAKER NEEDED IN DETROIT.



“The Kind of Strikebreaker Needed in Detroit.” *Detroit Free Press* of 21 June 1907.

Instead of bullets and the state militia, on 21 June the struck companies obtained a blanket labor injunction from the county circuit court against the union and approximately two hundred named individuals. The sweeping injunction prohibited the defendants from boycotting, picketing, or patrolling around the factories, loitering or congregating in the neighborhood of the plants, following or speaking to the nonunionists, or picketing the homes of strikebreakers.⁶¹

At exactly the same time that Monaghan was busy in court securing an injunction, employers gathered to discuss a request from Mayor Thompson

to confer with the strikers. Thompson had finally taken on the role of a mediator. After the tumultuous events of the past week, not all employers were receptive to the mayor's appeal. "Gentlemen," said one leading manufacturer, "for my part I would prefer applying the torch to our factory than agree to further concessions with these strikers." But employers could hardly put off the mayor, who had managed to get the union to withdraw pickets. Mindful of how the public would look upon employer intransigence, especially in the face of tangible concessions by the union, employers had little choice but to honor Thompson's request.⁶²

Mayor Thompson scheduled an initial meeting on 25 June, but representatives of the two sides went ahead and sat down on Saturday, 22 June, "without any fireworks or threatening demonstrations by either side," said one employer. All expectations of resolving the labor dispute were dashed when employers offered a very slight wage adjustment, but the union would not hear of anything below a 30-cent minimum hourly wage.⁶³

The stumbling block during Saturday's bargaining round was due to the belief on each side that victory lay within its grasp. Unionists assumed that the brass shops could not afford to fight much longer because of the difficulties employers had with replacements. On the other hand, employers now had their blanket injunction, which led them to conclude that the strike was going their way. Indeed, just before the conference broke up, employers proposed that the union abandon the strike without an agreement and permit its members to return to work as individuals at the old scale of wages. "We have no blacklist against any of our ex-employees except those who have been law-breakers during this trouble," said one employer. "The men who stirred up the riotous part of the trouble might find it difficult to get back into any shop, but the others would be taken back without question." Union leaders replied that they would not declare the strike off until they had an agreement.⁶⁴

Quiet prevailed at the brass shops for a couple of days after the disappointing failure of the Saturday negotiations, but on Tuesday union pickets came out in defiance of the injunction. "We are very far from beaten," said a determined Otto Gersabeck, the union business agent. "We have the assistance of our international union and are fortified to keep up the fight all summer." Other trade unionists maintained an eye on the factories, again in defiance of the injunction that prohibited congregating.⁶⁵

Unwilling to see the strike get further out of hand, Mayor Thompson on Thursday evening brought representatives of the two sides together at his house for an informal meeting. Attending were Gersabeck and Louis Kroenke, the new president of the union, and William Fraser of the Detroit Brass Works, Fraser tried to make the union leaders understand that the gathering was not a conference and that he was not representing the employers. At one point during the evening the leaders of the metal polishers asked Fraser to assure them that if they suspended the strike that employers would reinstate their former employees. Fraser's response to this proposal, which would have entailed the dismissal of strikebreakers, is not known, but we can infer from subsequent events that he may have accepted it as well as their minimum wage request.⁶⁶

It is probable that Fraser made arrangements at the mayor's house to introduce Gersabeck and Kroenke to other manufacturers who likewise were interested in quickly ending the strike. The opportunity came the next afternoon, 28 June, as Fraser had lunch at the Griswold House with three other members of the Brass Division. The topic of the strike came up. According to an unpublicized EAD account of the meeting, as Fraser's colleagues enumerated the problems they faced in trying to run their respective shops, Fraser abruptly announced that he could get in touch with Gersabeck right away and that they should listen to what he had to say. Fraser excused himself and returned a few minutes later with Gersabeck and Kroenke in tow. John Corliss of the Michigan Lubricator Company, saying he had no objection to reinstating union polishers and buffers, urged the union leaders to suspend the strike. Concerning the Detroit Brass Works strikers, "and as to the possibility of their getting their old positions," Fraser said "they could not come back any too quick to suit him."⁶⁷ The conversation undoubtedly turned to wages, although Fraser later denied this to other members of the Brass Division. The *Michigan Union Advocate*, however, later reported that the employers granted the men their wage demand. "This concession," it noted, "was not made in so many words, but it was agreed to establish a piece-work system, whereby the fast men can make more than 30 cents an hour."⁶⁸

To the union, at least, the way seemed open to ending the long conflict. In the evening, Gersabeck convinced union members to end the strike. He told his members and the daily newspapers that employers had agreed to take the men back at 30 cents an hour, and although employers won on the

open-shop issue, Gersabeck considered their promise not to discriminate against trade unionists credible. Next day's newspapers reported that Gersabeck and a number of brass manufacturers had paved the way toward a resolution of the strike through a series of secret meetings.⁶⁹

Brass manufacturers, of course, were stunned to read and hear rumors of a "settlement," and of secret meetings with the union, for the Brass Division had not approved any such undertakings. Members of the division assembled on Saturday evening at the EAD office. Not a single person admitted to having talked with Gersabeck the day before. Assured that such a meeting never took place, and that the union boss was simply trying to bolster the sagging morale of his dispirited members, a delegation of employers led by EAD President August Blesch went to the newspapers late that same night and affirmed that the union had capitulated and that brass manufacturers had won a complete victory in the ten-week-long strike.⁷⁰

The next day the newspapers presented the brass manufacturers' side of the story. All this left the *Detroit News* correspondent rather puzzled, as it did many others. "This attitude of the employers," he wrote, "in desiring to convey the impression, after everyone had been led to believe that the strike had been settled amicably, that the men had given up the fight they waged for weeks and have surrendered unconditionally, is just a trifle enigmatical."⁷¹

Confusion reigned on Monday morning, 1 July, when union polishers and buffers began showing up for work and insisted upon the 30-cent hourly wage promised Gersabeck by the brass manufacturers. They even mentioned the specific employers who attended the Friday negotiation meeting. Confronted with additional evidence, employers demanded a special session of the Brass Division. The gathering, which featured twenty-one representatives from thirteen companies, was perhaps the stormiest in the history of the EAD, as it was marked by sharp accusations of treachery and bad faith. August Blesch chaired the meeting. He immediately asked Fraser and several others to state whether they had seen Gersabeck on Friday afternoon. John Corliss acknowledged his presence at the Griswold House, but he denied that the conversation with Gersabeck technically was a "meeting." "I have a right to meet anybody I have in mind to," said Corliss, "as long as I don't represent this institution or make any

representations. I deny the right of any man to question my right to talk with anyone else.”⁷²

Corliss attempted to minimize the significance of the commotion, and to the extent it presented a problem, he preferred to blame it on the workers. “This tempest in a teapot has been created by the strikers for the purpose of keeping up the turmoil and letting themselves down easily.” Blesch pounced on the suggestion that the meeting with Gersabeck and the public’s confusion about the conclusion of the strike were trivial matters. The “ugly part,” he said, “is that Mr. Hodges, Mr. Anthony and myself sat up until after twelve o’clock [Saturday night] fixing up things with the papers and swearing by all good and holy that the afternoon papers had misrepresented the whole thing when they said there had been a secret meeting, and we put ourselves before the people as liars.”⁷³

Fraser, the apparent instigator of Gersabeck’s appearance at the Griswold House, admitted that he introduced the union men to several other employers. He insisted, however, that no negotiations took place and that they had met with Gersabeck as individuals, not as EAD members. All they did, he said, was listen to what the union business agent had to say. They promised Gersabeck nothing, but merely advised him to end the strike.⁷⁴

“What Mr. Fraser says I won’t take,” countered Howard Anthony, the secretary-treasurer of McRae and Roberts, “because I think that committee said something about wages for the reason that Brothers Wagner and Schomer [of the union] said these three gentlemen [Corliss, Roberts, and Fraser] spoke about the wages at thirty cents.” Then Anthony delivered a particularly nasty jab—“Mr. Wagner’s word is as good as Mr. Fraser’s. Mr. Fraser has to prove ...”

FRASER: Fraser will not take the trouble to prove that or anything. Fraser’s word is absolutely good with anybody who knows him.

ANTHONY: You went to [Mayor] Thompson’s office and got mixed up there and ...

FRASER: I settled your strike which you could not do. You were too arbitrary and had too little brains to do it.⁷⁵

The strains of the metal polishers’ strike had exacted their toll on the precarious solidarity of employers, although neither the newspapers nor organized labor ever knew the full extent of the dissension among the ranks of brass manufacturers. They certainly were never aware of Blesch’s

musings at Monday's meeting—"I feel as if I would like to get out of this institution tonight."⁷⁶

A couple of weeks later, the president of the Metal Polishers' International Union visited Detroit and noted that "conditions in most of the brass shops were progressing very nicely," although it appears that a couple of companies persisted in fighting the union.⁷⁷ Nevertheless, the union had failed to take advantage of the favorable labor-market conditions in early 1907 to (re)establish the union shop or bring employers into a system of formal collective bargaining. They most certainly did not break their arch-nemesis, the Employers' Association of Detroit, or chase John Whirl out of town. By the end of the year the financial panic of 1907 had brought the economy to a grinding halt. The Detroit local of the Metal Polishers Union, whose membership had fallen off, laconically reported, "Trade dull."⁷⁸

Yet the atmosphere over at the Employers' Association was not terribly upbeat, either. In 1907, the organization spent \$16,900, two-thirds of it on strikes, and ended the year with only \$232 in its treasury. "We have got to have more money," pleaded the new EAD President, John Trix. Restocking the treasury, however, depended on restoring the bonds of trust among employers. The signs were not good in early 1908 when representatives from only twenty-five firms, just a third of the total membership, attended the EAD annual meeting. At the meeting, Secretary John Whirl cautiously recounted the struggles over the past year. His review of the metal polishers' strike was relatively brief. Most of his report consisted of a list of legal actions, injunctions, and prosecutions. As for the tail end of the dispute, Whirl claimed that the union simply called off its strike unconditionally on 28 June—"thus concluded a nine weeks unsuccessful strike." Whirl, the paid agent of the EAD, wisely chose his words so as not to reopen fresh wounds.⁷⁹

Outgoing EAD President August Blesch, however, broached the sensitive topic. With William Fraser sitting in attendance, Blesch noted that an employers' association held within it "differences of opinion" due, in part, to the diversity of firms. "Unfortunately," he observed, "selfishness cuts a large figure in the makeup of humanity and we sometimes find those in our midst who insist upon advocating a settlement to suit their own particular case regardless of the consequences or serious detriment to the great majority of their fellow members." Blesch urged the adoption of "a clean cut set of working rules, providing proper punishment for members

who violate any of the cardinal principles, by-laws, or established rules of the Association.” The departing executive board urged the members of the incoming board to formulate such rules, “in view of the action of certain members of the association in connection with the recent brass polishers’ strike, which action has seriously threatened the permanency and success of the association.”⁸⁰

The EAD survived this hidden and embarrassing breakdown of solidarity. Although employers could not detect it at the time, with the exception of the unusual conditions in the years surrounding World War I, the trade unionism of the American Federation of Labor reached its high-water mark in Detroit in 1907.

The Open-Shop Battles in Detroit: The Long View

The metal trades strikes of 1907 marked an important moment in the fate of organized labor in Detroit, but contrary to the conventional EAD narrative, it had very little to do with employers actually busting unions. Detroit employers stopped the various union offensives in their tracks, but at substantial costs not only to workers but also to themselves. The hard-fought engagements left both sides exhausted, but still armed and entrenched on the industrial battlefield.

The inconclusive results of the strikes between 1904 and 1907 stemmed from the long-running stalemate between employers and skilled metal workers. It was a stalemate that had its roots in employers’ dependence on the labor power and cooperation of skilled workers. For a while, some employers recognized that they stood to gain from the labor-market machinery of trade unions.⁸¹ This accommodation did not last, however. The mere existence of a union in their shop conflicted with employer views on the inseparable connection between private property rights and unchallenged managerial authority over employees. Trade unions limited their free use of the reserve army of unemployed labor. Control of the labor market, employers thought, was vital. It not only enabled employers to almost instantly hire or dismiss workers, but it also helped them effectively discipline workers on the job.⁸²

In Detroit, manufacturers initially organized the Employers’ Association in 1903 alongside with the national open-shop movement. But as internal deliberations of the EAD Brass Division in 1904 show, employers moved

cautiously, worried about labor's response at every turn, worried they might precipitate an all-out battle with one or more of the unions. In late 1904, both sides managed to extract themselves from the dangerous slide to war over the dispute at Clayton and Lambert. The protracted labor troubles in 1905–6 at Ideal Manufacturing Company and the eruption of a conflict at the Burroughs Adding Machine Company remained confined to just these companies, although things nearly got out of hand at Ideal in summer 1906 when EAD firms threatened a general lockout of all union labor.

EAD employers had to temper antiunionism with the realization that they still required skilled labor, which made it difficult to shake off the trade unions. For employers, the assorted battles in the metal trades were less about eradicating the unions (nearly an impossible goal) than about making the power of the unions irrelevant in the shop and labor market. "The key to successful strikebreaking," writes historian Howell Harris, "was the ability to replace quickly the men who had walked out."⁸³ True enough, but the ultimate purpose of employers in using the EAD's labor bureau, recruiting strikebreakers, securing court injunctions, and seeking police intervention was to force (most) striking or locked-out skilled workers *back* to work on company terms. Only rarely was an employer in a position to permanently do without with his former employees. Employers were occasionally so anxious about getting their men back into the shop that they carried on secret discussions with union officials (as happened during the metal polishers and buffers' strike in 1907) or tolerated a de facto union shop (as happened following the Ideal dispute).

Trade unionists in 1907 fought organized employers to a draw. The other side of stalemate, however, was employers' containment of the autonomous trade unions. Although organized labor fought employers to a draw in the brass factories, machine shops, and foundries, it failed to penetrate Detroit's emerging industry—automobile manufacturing. As that industry became dominant over a vast sector of the labor force over the next thirty years, manufacturers went virtually unimpeded in their efforts to rationalize production. Unionized metal workers became marginalized in Detroit, with auto factory bosses having to pay only scant attention to them. This contrasted with the situation that existed up to 1907 when almost every year had brought a new round of struggle with the unions, accompanied by employers agonizing over how to proceed. Confined to niches of the economy where craft production survived, and isolated in craft labor

markets, skilled workers' organizations lost their influence over the general political economy of Detroit.⁸⁴

But a story of stalemate and containment is far different from the triumphal narrative about the development of the open shop in Detroit offered by the EAD. Employers, as we have seen, were not so invincible. Unions proved tough and resilient, and though weakened they persisted and fought back throughout the open-shop era.⁸⁵ Chester Culver, the long-serving general manager of the Employers' Association, may have liked to think that it was the EAD's antiunionism in the years 1904 to 1907 that created the environment for the concentration of the automobile industry in the city—that "Detroit was Detroit because of the open shop." The reality was more complex. Union containment meant that the auto industry and the large automobile corporations grew on a nonunion basis, and it was this that made Detroit into a powerful citadel of the open shop.

Notes

The author is indebted to Vilja Hulden for the exceptional advice she offered on an early version of this essay. Special thanks to Chad Pearson and particularly Rosemary Feurer who helped bring a lengthy manuscript down to manageable size.

1. For "capital of industrial freedom," see Chester M. Culver, "The Open Shop Did It," *Detroit Saturday Night*, 6 August 1932; for "graveyard of labor organizers," see Sidney Fine, *The Automobile under the Blue Eagle: Labor, Management, and the Automobile Manufacturing Code* (Ann Arbor: University of Michigan Press, 1963). On antiunion conditions in Detroit more generally, see John W. Love, "Detroit a Sterile Field for Organized Labor," *Annalist* (12 November 1926): 629–31, and Robert W. Dunn, *The Americanization of Labor: The Employers' Offensive against the Trade Unions* (New York: International Publishers, 1927), 64–66.

2. Employers' Association of Detroit (hereafter, EAD), Labor Barometer, 18 September 1928. EAD Labor Barometer copies and other EAD documents cited in this chapter are in the possession of the author.

3. Chester Culver, "Detroit Is Detroit Because of the Open Shop," address of 10 October 1928, before an open-shop conference in Connecticut, in *Addresses of Chester M. Culver, 1916–31*, EAD.

4. Allan Nevins with Frank Hill, *Ford: The Times, the Man, the Company* (New York: Charles Scribner's Sons, 1954), 513.

5. An important source for the EAD narrative is Chester M. Culver, who led Murphy Iron Works after the death of his uncle in 1905 and, therefore, had firsthand experience as an active participant in the open-shop movement in Detroit. In 1916, Culver became the EAD's general manager, a position he held until 1952. See Chester Culver, *Reminiscences*, interview with Owen Bombard, 21 July 1953, Benson Ford Research Center, The Henry Ford, Dearborn, MI.

6. John J. Whirl, secretary's report, minutes of the Second Annual Meeting of the EAD, 21 February 1905; Jacob Nathan, "Detroit Employers Waging Fight for Detroit Workingmen," *Detroit Saturday Night*, 15 May 1915.

7. Stephen Meyer, *The Five Dollar Day: Labor Management and Social Control in the Ford Motor Company, 1908–1921* (Albany, NY: SUNY Press, 1981), 89, quoting William E. Chalmers, “Labor in the Automobile Industry: A Study of Personnel Policies, Workers’ Attitudes and Attempts at Unionism” (Ph.D. diss., University of Wisconsin, 1932), 188; Steve Babson, *Building the Union: Skilled Workers and Anglo-Gaelic Immigrants in the Rise of the UAW* (New Brunswick, NJ: Rutgers University Press, 1991), 23. See also Joyce Shaw Peterson, *American Automobile Workers, 1900–1933* (Albany, NY: SUNY Press, 1987), 102–3.

8. The two key documents are typewritten transcripts of meetings of the EAD Brass Division held on 6 September 1904, and 1 July 1907, both contained in a folder holding the minutes of meetings and correspondence of the division from 1903 to 1905.

9. John Trix, “History of the EAD,” in minutes of the Thirteenth Annual Meeting of the EAD, 27 June 1916; Culver, *Reminiscences*, 7.

10. “Big Strike Was Averted,” *Detroit Free Press*, 15 May 1903; John J. Whirl, Secretary’s Report, Minutes of the Second Annual Meeting of the EAD, 21 February 1905.

11. “Can’t Loaf on Employers Now,” *Detroit News*, 31 October 1903, p. 3.

12. *Michigan Union Advocate*, 22 April 1904, p. 1, and 27 May 1904, p. 4.

13. Minutes of special meeting of the EAD Brass Division Committee, 2 September 1904.

14. Transcript of EAD Brass Division, 6 September 1904, 2 (Thomas quote), 6 (Fraser quote), and 10.

15. *Ibid.*, 4 (Ireland quote) and 10 (Calder quote).

16. *Ibid.*, 5–6 (Booth quote) and 14 (Johnson quote).

17. On the regulatory power of unions, see Andrew Wender Cohen, *The Racketeer’s Progress: Chicago and the Struggle for the Modern American Economy, 1900–1940* (New York: Cambridge University Press, 2004).

18. Transcript of EAD Brass Division, 6 September 1904, 16.

19. *Ibid.*, 14 and 16.

20. *Ibid.*, 13 and 20.

21. *Ibid.*, 17.

22. John J. Whirl to Edward R. Jarrait, 8 September 1904, correspondence of EAD Brass Division.

23. Minutes of special meeting of the EAD Brass Division, 22 September 1904; minutes of meeting of the EAD Brass Division Committee, 28 September 1904.

24. Report of the EAD Brass Division Committee, 5 October 1904.

25. Minutes of EAD Brass Division meeting, 5 October 1904; special meeting of the Brass Division Committee, 1 November 1904; and special meeting of the EAD Brass Division, 12 November 1904; John J. Whirl to employers, 2 November 1904, correspondence of EAD Brass Division.

26. “Big Conspiracy to Cut Wages of Metal Workers,” *Michigan Union Advocate*, 18 November 1904, p. 1; *Detroit Free Press*, 20 November 1904, pt. 1, p. 5; *Journal of the Metal Polishers, Buffers, and Platers International Union of North America* 14, no. 1 (January 1905): 26–28.

27. “Blacklisted for Refusing Lower Wages,” *Michigan Union Advocate*, 25 November 1904, 1.

28. *Michigan Union Advocate*, 2 December 1904, 1.

29. *Michigan Union Advocate*, 22 March 1907, 8.

30. *Michigan Union Advocate*, 4 and 10 February and 3 March 1905, 1.

31. *Michigan Union Advocate*, 4 and 10 February and 3 March 1905, 1; Paul Leake, *History of Detroit: Chronicle of Its Progress, Its Industries, Its Institutions, and the People of the Fair City of the Straits*, 3 vols. (Chicago: Lewis, 1912), 3: 1260.

32. *Michigan Union Advocate*, 10 February 1905, p. 4; “History of an Injunction,” *Michigan Union Advocate*, 5 October 1905, p. 5. The text of the labor injunction appears in *Ideal Manufacturing Co. v. Ludwig*, 149 Mich. 133.

33. Olivier Zunz, *The Changing Face of Inequality: Urbanization, Industrialization, and Immigrants in Detroit, 1880–1920* (Chicago: University of Chicago Press, 1982), 97–103.
34. *Michigan Union Advocate*, 7 April 1905, p. 1. On the saloon problem in Detroit, see Raymond R. Fragnoli, *The Transformation of Reform: Progressivism in Detroit, 1912–33* (New York: Garland, 1982).
35. On the use of violence by craft producers, see Cohen, *Racketeer's Progress*, 93–97.
36. *Detroit News*, 26 May 1906, in EAD Scrapbook (copy in author's possession).
37. *Ibid.*
38. *Detroit Free Press*, 9 June 1906, in EAD Scrapbook No. 10, BHC.
39. *Michigan Union Advocate*, 10 August 1906, 3.
40. *Ibid.*, 1, 3.
41. *Detroit News*, 9 August 1906, in EAD Scrapbook.
42. *Detroit Journal*, 9 August 1906, and *Detroit News*, 10 August 1906, in EAD Scrapbook.
43. *Detroit News*, 31 August and 1, 4, and 5 September 1906, in EAD Scrapbook; *Michigan Union Advocate*, 7 September 1906, 1.
44. *Detroit News*, 7 and 22 September 1906, in EAD Scrapbook.
45. *Detroit News* and *Detroit Free Press*, 17 February 1907, in EAD Scrapbook No. 18, BHC; "The Ideal Manufacturing Co.," *Detroit Free Press*, 28 August 1907, p. 16; *Detroit City Directory* (Detroit, MI: R. L. Polk, 1906), 80; *Detroit City Directory* (Detroit, MI: R. L. Polk, 1908), 1232.
46. *Michigan Union Advocate*, 18 January, p. 1, 22 March, p. 8, and 30 August 1907, 9.
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4 Race, Unionism, and the Open-Shop Movement along the Waterfront in Mobile, Alabama

ROBERT H. WOODRUM

Ralph Clemmons's remarkable career as a labor leader came to an abrupt end in June 1918, when police detectives arrived at his barbershop and arrested him on suspicion of attempting to bring illegal whiskey into Mobile, Alabama. The officers took Clemmons and another African American man into custody at the barbershop, in the city's vibrant Black business district, and placed them in a patrol car. As the officers made their way toward the city jail with the two men in custody, they turned down Claiborne Street, where they claimed they suddenly found their path blocked by several automobiles. Before police had time to react, a group of robed Ku Klux Klansmen sprang from the parked cars. "They drew guns and ordered the detectives to stay where they were or they would blow their heads off," one local newspaper reported. Klansmen swarmed the police vehicle, removed Clemmons, and forced him into one of the cars. The robed men drove off, leaving the other prisoner and the detectives unharmed.¹

The Klan and police targeted Clemmons because he had emerged as Mobile's most important African American labor leader. During the twentieth century's first two decades, he had helped establish a vibrant Black union movement in the city. He rose to prominence in the early 1900s when he organized Black dockworkers into the International Longshoremen's Association (ILA), which had expanded to the Atlantic and Gulf coasts from its Great Lakes base. During the following decade, Clemmons used the status of the national union to chip away at the White monopoly on skilled work on the Mobile waterfront. Though shipping

interests had defeated the ILA during bitter walkouts in 1903 and 1913, Clemmons had played a major role in rebuilding the organization during World War I. He briefly served as an organizer with the American Federation of Labor, but local White unionists convinced national leaders to remove him. At the time of his kidnapping, Clemmons was helping to organize African American laundry workers and cooks to demand higher wages and better working conditions. This effort, which mobilized a key element of the Black labor force in Mobile, captured the attention of Whites of all classes because it “accounted for the shortage of female negro labor,” a city newspaper reported shortly after the kidnapping. A few days before his abduction, Clemmons led a strike by Black longshoremen against a steamship filled with perishable goods, forcing the company to pay the workers the ILA’s minimum wage. His efforts on behalf of Mobile’s Black working class made Clemmons an inviting target for many segments of Mobile’s White community, the city’s powerful shipping companies and the Ku Klux Klan foremost among them.²

This essay places the attack on Clemmons into the context of an open-shop movement that swept through Mobile during the postwar era. The movement was broadly based and complex, and it was capable of embracing many elements, from powerful business executives and city leaders to the Ku Klux Klan. The desire to rid the waterfront of the unions that had established a presence in the shipyards and along the wharves and piers during World War I brought these disparate groups together and inspired the unity they needed to conduct such a campaign.

This essay also examines the limits of federal protections for labor unions during World War I.³ On the Mobile waterfront, as elsewhere, employers begrudgingly acceded to federally mediated agreements with unions during the war. The companies recognized that, although the Wilson Administration voiced support for organized labor, much of federal officials’ ability to enforce labor peace relied on their cooperation. When the war ended, the limited authority that federal boards and agencies had exercised quickly evaporated, leaving unions vulnerable to employers.⁴ The removal of wartime protections and the failure of local federal officials to defend unions provided the means by which Mobile’s employers could impose the open shop on the waterfront.

* * *

By any measure, World War I transformed Mobile, ending the economic malaise that had enveloped the city's waterfront for decades.⁵ Among the earliest beneficiaries of the new economic activity associated with the U.S. entry into the war in spring 1917 was the small shipbuilding and repair industry that existed along the waterfront. National concerns, like U.S. Steel Corporation, established operations in the city and its surrounding area. Local firms, like Alabama Dry Dock and Shipbuilding Company, expanded as well. The company had gobbled up its competitors and increased its capacity prior to the war. It procured contracts from the federal U.S. Shipping Board to build vessels for its Emergency Fleet Corporation and eventually employed more than thirty-six hundred workers in its shipyards.⁶

Activity along the wharves and piers soon followed. Munitions, coal, iron, steel, and the old mainstays of lumber and timber crowded available dock space and stretched the capacity of the port's facilities by 1918. In one of the era's more important developments, the U.S. Shipping Board began service at Mobile through its Emergency Fleet Corporation shortly after the war ended. Shipping entrepreneur John B. Waterman formed the Waterman Steamship Corporation to operate vessels for the U.S. Shipping Board, and it became the city's most important shipping company.⁷

Postwar Mobile appeared well positioned for the future. The city's population had expanded dramatically to sixty thousand residents as people crowded into Mobile in search of jobs.⁸ The federal government dredged the channel to a depth of thirty to thirty-three feet, giving Mobile the ability to accommodate large ships for the entire 33.5-mile journey from the Gulf of Mexico to the waterfront. The port had expanded during the war years and featured thirty-two piers and wharves. Business, meanwhile, had diversified. Lumber, iron, and steel exports were valued at \$36 million in the early 1920s. Bananas, valued at almost \$1 million, dominated the \$3 million in imports that passed across the wharves and piers in the early 1920s.⁹

City officials and influential business leaders appealed for state aid to expand Mobile's port facilities. Alabama voters eventually approved the required constitutional changes in 1922, and the following year the state legislature allowed officials to issue \$10 million in bonds for construction of the Alabama State Docks in Mobile.¹⁰ Finally, boosters began to believe

that Mobile could compete with its old nemesis, New Orleans, and other Gulf Coast ports.

The wartime boom, however, brought unsettling changes. Despite the support for the war effort voiced by national Black leaders, southern Whites feared the effects the war might have on the racial order. Although they worried about preserving White supremacy, many in the federal government also believed that African Americans constituted a potentially traitorous minority. Federal agencies—the Justice Department’s Bureau of Investigation and the U.S. Army’s Military Intelligence Branch—spied on African Americans who they believed might provide fertile ground for German agents. After the war such surveillance continued, as elements of the federal government came to believe that African Americans were susceptible to appeals from leftists. Meanwhile, thousands of African Americans in Mobile joined the Great Migration, the exodus from the rural South into the region’s urban areas or those of the North.¹¹

Racial tensions manifested themselves in the emergence of the Ku Klux Klan. Although reliable statistics are impossible to come by, scholars estimate that the Klan could count three thousand to three thousand five hundred members in the city.¹² In addition to its opposition to Catholics, Jews, and immigration and its avowed support for White supremacy, the reborn Klan stressed “morality,” good government, support for the war effort, and, in Mobile, it was concerned about the growth of labor unions.¹³

Though the national Klan occasionally supported craft unions, and White workers in many parts of the country joined the organization, it strongly opposed labor militancy during the wartime era. Klan recruiting cards, for example, urged a “closer relationship between Capital and American labor” and criticized the “unwarranted strikes by foreign labor agitators” that characterized the war years. Klan leadership lashed out at “labor agitators” and attacked “slackers” whose strikes they believed jeopardized the war effort.¹⁴

The Klan, the shipyards, and the shipping interests found much cause for concern over the emergence of a vibrant waterfront labor movement in Mobile. Black longshoremen led the growth of unions, bringing back their old union, the ILA, by the start of direct U.S. involvement in the war. Ralph Clemmons made his way northward to the ILA’s national convention in Toledo, Ohio, in 1917 as a delegate representing Black locals 543 and

853.¹⁵ Two years later, nine locals, seven of them African American, were represented at the convention.¹⁶

In Mobile as elsewhere, the shipping interests and stevedores—the White middlemen who hired labor along the city’s wharves and piers—tolerated the ILA’s growth during the war. Bolstered by the federal presence on the waterfront, meanwhile, the longshoremen managed to eke out small pay increases from the stevedores and steamship companies. The basic wage for Mobile’s Black longshoremen in 1918 rose to 55–65 cents an hour under the government protections. Whites, mostly limited to loading timber onto ships out of water, enjoyed wages that ranged from 75 cents an hour to \$1.25 an hour for foremen.¹⁷ Federal regulators, noting both the increasing cost of living and the need to stabilize the waterfront workforce, increased longshoremen’s wages by another 15–25 cents an hour in 1919.¹⁸

The waterfront was strictly segregated, and the ILA had faced major challenges when it attempted to establish a permanent presence on the docks. In Mobile, the union followed its Southern custom of recognizing separate locals for Whites and Blacks. By the era of World War I, African Americans made up the vast majority of the longshoremen in the city. White longshoremen, known as “timbermen,” were largely relegated to a specific task along the waterfront—floating timber down Mobile’s river system and loading the logs out of the water and onto ships. Whites also loaded the relatively small quantity of cotton that passed through Mobile. Before the ILA’s arrival, White workers had formed the Workingmen’s Timber and Cotton Benevolent Association (WTCBA) to protect their monopoly of skilled work on the waterfront.¹⁹

Clemmons had led the establishment of the ILA in Mobile in the early 1900s, and he and other African American unionists used the national union to strengthen their position on the waterfront and, later, to capture some of the work loading timber. Whites, hoping to use the national organization to protect their control over the highest-paying waterfront work, affiliated the WTCBA with the ILA, becoming locals 331 and 369, respectively, in 1910. Thus, the ILA in Mobile never worked out agreements that allowed for Whites and Blacks to share work, as the national organization had done in New Orleans and Galveston, Texas. “In Mobile we work differently than men do in other parts,” Black ILA leader Ed Rhone explained later at one of

the union's national conventions. "The white and colored men in Mobile do not work together."²⁰

A bitter strike in 1913 illustrated Rhone's point. The walkout pitted White and Black longshoremen against the shipping companies and each other. The strike was settled after national and regional officials mediated the dispute and preserved the White monopoly over skilled work handling timber "out of water." African Americans could load timber, but only off barges or railcars, which paid less.²¹ Though defeated, these early struggles helped the ILA establish roots in Mobile's Black community. The ILA's racial policies, meanwhile, also allowed Black longshoremen to establish their own locals, which acted as independent institutions.

Racial divisions persisted through the wartime era. White timbermen, however, found themselves increasingly marginalized along the waterfront. Almost all other dock work was controlled by Black unionists. J. H. Fricke, the White president of the Gulf Coast District, explained that, although the ILA maintained a general longshore local for Whites, it "practically has no work at all." African American longshoremen, Fricke noted, "practically have all [the general work] and are doing every bit of longshore work."²²

White workers, however, established a vibrant presence along the waterfront during the wartime era in the shipbuilding and repair industries. The International Association of Machinists (IAM), a union with deep roots in Mobile, and the International Brotherhood of Boilermakers made inroads as the shipyards expanded after 1915. Both unions had compelled Alabama Dry Dock and other major employers to sign contracts by summer 1917. In these contracts, the shipbuilders agreed to a closed shop, an eight-hour day, and basic wage rates for both groups.²³

Mobile's employers faced considerable challenges during this era, particularly when race and labor militancy came together. This became clear when the mainly African American workforce of the city's commercial laundries went on strike for union recognition, higher wages, and better working conditions in spring 1918. Although the Laundry Workers Union's origins in Mobile remain obscure, it is very likely that Black ILA leaders—Clemmons in particular—had connections with the organization.²⁴

When union representatives demanded negotiations over their working conditions in April, the laundry owners, predictably, refused to talk. In

response, hundreds of workers walked out at the largest operations: American, Imperial, Troy, and White Swan. Although the laundries employed both Blacks and Whites, the walkout appears to have involved mainly inside workers, most of them African American women, and drivers for the companies, many (if not most) of them Black men. Workers charged that the laundries had recently raised rates by 40 percent but failed to pass along any of the profits to employees, who labored twelve to sixteen hours a day for just \$2.50 to \$4 a week.²⁵ The inside workers wanted their wages increased to \$15–\$21 a week, and drivers demanded a basic wage of \$15 a week and a percentage of collections.²⁶ The workers also called for better treatment. They pledged to “stay out until our communications are answered and they [the companies] agree to deal with our committee. We feel sure the general public is with us in demanding a living wage and proper compensation.”²⁷ With their demands for a formal agreement with the commercial laundries and recognition of their committee by the companies, the Laundry Workers Union essentially insisted on the same type of relationship that had developed during the war on the docks and in the shipyards. The commercial laundries, however, backed by city leaders and the police, were determined to prevent the closed shop from happening.

The companies easily found enough workers to replace the strikers, and police arrested union pickets who tried to prevent replacements from taking their jobs. When a large crowd of Black unionists, “some of them seen to be carrying sticks,” gathered near the American Laundry on the third day of the strike, police descended on the scene and arrested ten of them. The next morning, nine African American women who attempted to stop workers from entering the laundry also were arrested.²⁸ Black women played a prominent role in the strike. Several of them chased a replacement worker leaving the Imperial Laundry into a nearby railroad roundhouse. The cornered woman, Lillian Lewis, claimed that one of the unionists, Clara Cox, choked and beat her before police arrived and arrested five women and a man in connection with the incident.²⁹

Court officials meted out heavy fines to strikers accused of attacking or even threatening replacements. Several unionists were fined \$25 or 25 days for picket-line activities, disorderly conduct, or making threats. One African American woman, Geneva Williams, received a sentence of \$50 or 50 days for her strike-related activities. After the first week of the walkout, court

officials announced that heavier fines might be in the works, and extra police were stationed at city laundries “to prevent interference with the employees who had been hired since the strike and who did not go out with the strikers.”³⁰

The companies had another powerful weapon at their disposal. At the end of the second day of the strike, Mobile Sheriff W. H. Holcomb announced a policy to arrest “vagrants, idlers, and all persons who cannot show why they are not at work.”³¹ The following evening, the Mobile Board of Commissioners passed a sweeping vagrancy law. The ordinance declared that any “person over the age of twenty-one years, able to work, and does not work, and has no means sufficient for his work, and has not some means of a fair, honest, and reputable livelihood is a vagrant.” Penalties were harsh: up to \$100 in fines and 6 months in jail.³² Although these initiatives were in response to a call from Alabama governor Charles Henderson to crack down on alleged vagrancy across the state, they also sent a message to the striking laundry workers.³³

The laundry workers faced a powerful unified front determined to crush their movement and prevent further expansion of Mobile’s unions. Newspapers ceased covering the walkout after a week, and so it remains unclear how and under what circumstances the laundry strike ended. It seems that the repressive measures brought about the demise of the Laundry Workers Union. The probable involvement of Clemmons and other waterfront activists in the strike also made them tempting targets for the forces determined to prevent further gains for unions in Mobile.

The kidnapping of Clemmons occurred a few weeks after the laundry strike. He had continued organizing, focusing his efforts on cooks and washerwomen.³⁴ Thus, by the time of the war, Clemmons had become perhaps the most important symbol of independent Black labor activism in Mobile and an inviting target for the Ku Klux Klan. The immediate catalyst for the Klan’s action against him may have been a dispute between the ILA and one of the city’s largest shipping companies, Mallory Steamship Line, over working conditions and pay scales. Mallory’s ships, because of their design, were difficult to load, and the company paid low wages.

In summer 1918, Mallory unilaterally refused to honor the ILA’s 55-cent basic wage and announced it would pay longshoremen 50 cents an hour. The union contested the pay scale and the working conditions to a local

panel that mediated this type of issue for the U.S. Shipping Board. Unfortunately for the ILA, the Local Adjustment Board was controlled by the Mallory Line, which had two of its company officers on the panel. When the union protested conditions on Mallory ships, the board ruled in favor of the company, supporting Mallory's wage rates and dismissing ILA complaints about working conditions.³⁵ Although they did not agree with the ruling, ILA leaders complied with it. Mallory management, emboldened by the victory, then tried to force longshoremen to unload a steamer for less than the new minimum wage in early June 1918. It was this effort that provoked Clemmons to call a strike and tell longshoremen to refuse to unload the cargo for such a low rate. His defiance inspired Black longshoremen and angered the company officials. He was arrested by police and then taken away by the Klan a few days later.³⁶ If Mallory Line officials hoped that the Klan's action would send a message to Black longshoremen, they were not disappointed. Testifying before federal officials in New Orleans in October, Black ILA leader D. P. Johnson remembered that the kidnapping made longshoremen cautious, forcing them "to work sort of under a strain, or under a fright."³⁷

The kidnapping also had ramifications beyond the waterfront. In the hours after Clemmons was abducted, a large number of police, sheriff's deputies, and even a detachment of federal troops were sent to Davis Avenue after African American workers began to gather at the ILA leader's barbershop. Several days later, Clemmons resurfaced in New Orleans. He told family members the Klansmen had "scolded" him and warned him to leave Alabama, but they did not beat or whip him or physically harm him.³⁸

The Mobile city government, embarrassed by the possibility that police had colluded in the incident, passed a resolution calling on officers to enforce existing ordinances that prohibited masking and unpermitted parading and required cars to have license numbers displayed prominently.³⁹ City leaders debated the growth of Klan activity in the area, with commissioners Harry Pillans and George Crawford blaming the chief of police "for the second appearance of the Ku Klux Klan" as well as the kidnapping.⁴⁰ Crawford, however, considered Clemmons's removal from the city an accomplishment, calling it "good riddance of bad rubbish."⁴¹

In another blow to waterfront unionists, federal officials began to pull back on the protections they had afforded labor organizations. The process

began almost immediately after the end of the fighting in World War I and was at least in part related to the dramatic setbacks that Wilson and the Democratic Party suffered in the elections in fall 1918. With hostile Republicans in control of both houses of Congress and with the president occupied with negotiating a formal end to the European conflict, regulatory agencies were weakened or shuttered altogether in spring and summer 1919. Employers challenged federal agencies that sought to intervene in labor disputes, refusing to comply with their directives and disregarding wartime labor agreements.⁴²

Many of the gains that unionists had made during the war came with help from federal officials, who had an interest in keeping the waterfronts along the coast stable during this period. At the end of hostilities, however, employers counted on a relaxation of federal protections that would allow them to drive the unions out of Mobile. Alabama Dry Dock and the other shipyards announced in October 1920 that they would no longer recognize craft unions. Union workers struck for several months, but by spring they essentially conceded defeat.⁴³

The significance of the victory was not lost on the steamship companies and stevedores who still had agreements with the ILA. Like companies elsewhere, Mobile's waterfront employers had never fully acceded to the presence of the longshoremen's union on the docks during the war but had tolerated the ILA because of the tight labor market. They reached understandings with the union that had to be renegotiated every year under federal supervision. To test the resolve of federal regulators, individual companies began to declare an open shop and void their agreements. Federal officials did little to help, signaling the withdrawal of wartime protections.

The Munson Steamship Company, for example, imposed an open shop on its operations in August 1921. When the company refused to pay the basic hourly wage, longshoremen stopped work. The company replaced them with nonunion dockworkers, no longer recognizing the ILA. Former ILA President T. V. O'Connor, a commissioner with the U.S. Shipping Board, and F. I. Thompson, another commissioner, traveled to Mobile and urged the longshoremen to end the strike. In return, they pledged to convince Munson to abide by the minimum wage. Munson officials apparently agreed to the higher wage scale, but then refused to hire back the unionists. W. S. Smith, ILA Local 853 president, complained to federal

officials that he had worked for Munson for two decades “or in other words since they started business in this port, and it is strange to us that now we cannot even work for them.”⁴⁴ Federal officials answered appeals from the longshoremen with indifference. “I am sure you will understand that nobody is in a position to require the Munson Steamship Line to employ any men or set of men except the Munson Line itself, but I trust that the matter will gradually work itself out to a better situation as concerns your men,” J. C. Jenkins, director of the Industrial Relations Department of the U.S. Shipping Board, told Smith.⁴⁵

Regional and national union leaders soon discovered another weakness in the ILA presence in Mobile. In early 1922 they learned that major stevedores in the city had never formally signed contracts with their union. Federal officials, local union leaders, and the stevedores merely reached “understandings.” ILA president Anthony Chlopek complained about this practice to federal officials, who dismissed his concerns.⁴⁶ When ILA district president J. H. Fricke came to Mobile to protest the failure to obtain signed agreements, federal officials told him that the members of his union “were apparently perfectly satisfied with the agreement at Mobile,” and his concerns were ignored as well. “I have had no complaint whatsoever from any of the men about the failure of the stevedores to sign this contract, and no one has mentioned the matter one way or the other, except Mr. Fricke,” reported Elmo Davison, the U.S. Shipping Board representative in Mobile, in early February. Mobile stevedores were opposed “in principle” to signing formal agreements, and federal officials believed they would do so “under protest” because “they feel that insofar as the local labor is concerned, it is absolutely unnecessary and not expected.”⁴⁷

Eventually, under pressure from the U.S. Shipping Board’s national commissioners and the national and regional ILA, local federal officials opened talks with the stevedores over the issue. After weeks of negotiations, the stevedores were convinced to sign.⁴⁸ These disputes illustrated the tenuous nature of the ILA presence along the Mobile waterfront. They also demonstrated the limits of federal protections afforded to the ILA and the reluctance of regulators to enforce existing protections for unions—developments that shipping companies undoubtedly noted. The 1922 agreements the stevedores signed with the

ILA in Mobile would be the last ones on the city's waterfront for a generation.

The weakness displayed by U.S. Shipping Board officials after the war presented shipping interests with an opportunity to rid their operations of the ILA. The construction of the ambitious state docks created an additional incentive to Mobile employers, who hoped the new facility along with the lower wages they paid to longshoremen would give them an advantage over shipping companies in New Orleans. To coordinate the open-shop drive against the union, waterfront interests came together to form the Marine Employers' Association of the Port of Mobile (MEA). The group consisted of eleven shipping companies and agents, six major stevedores, railroads, exporters, coal merchants, timber handlers, and shipowners. Although most of the major waterfront interests were represented in the organization, the driving forces were Horace Turner, who owned the most important privately owned wharf in the city and who served as chairman and the public face of the new group, and John B. Waterman, who owned Waterman Steamship Company, which operated vessels for the U.S. Shipping Board. Reflecting on the formation of the association, Waterman, the chair of the organization's finance committee, wrote that employers needed to "take advantage of the present situation and organize on a proper basis."⁴⁹

The employers worked to prevent any attempt to raise wages for Mobile longshoremen in the new contract, and they also opposed attempts to equalize Mobile's wages with those of New Orleans, which had long been a goal of the ILA. In early August 1923, almost two months before their contract expired, Mobile longshoremen asked for both, demanding a basic wage of 80 cents an hour, a 45 percent increase over the 1922 level of 55 cents an hour and a rate that would bring their wages in line with Crescent City dockworkers.⁵⁰

The MEA rejected both demands. Officials cited the low wages paid by ports in the South Atlantic region—particularly Savannah, where wages were allegedly 35 cents an hour—and they argued "that the differential Mobile has had for over twenty years, should not be disturbed."⁵¹ If Mobile raised its wages, the employers believed, it would lose business to ports in Savannah and New Orleans.

A delegation of Black longshoremen attempted to meet with Joseph Walsh, a White stevedore who had worked his way up from the docks and with whom many of the African Americans had long relationships, to lobby

for the wage increase. His response was blunt: “Well, you are not going to get it, niggers.” He advised the men to ask for 65 or 70 cents an hour, a rate he would be willing to pay. Walsh later reportedly warned a delegation of White timbermen that their demands for a wage increase would be rejected as well.⁵²

With both sides at loggerheads, twelve hundred African American longshoremen walked off the job on the morning of 1 October, joining strikes already in progress in New Orleans and smaller Gulf Coast ports. The walkout idled most of the waterfront in Mobile. Scattered crews worked, but when pickets arrived to protest, they stopped loading and unloading cargoes.⁵³ Although White timbermen honored the Black pickets, they did not immediately endorse the strike. A meeting of the White unionists was scheduled for the first day of the walkout. “I can’t say whether we are on strike or not,” announced William E. Flynn, a former president of the timber handlers union. “However, we are not working; but for that matter, we haven’t been working very much for the past two years.”⁵⁴ White timbermen eventually joined the strike.

MEA president Turner announced that, for the time being, the shippers would not use replacements. He warned the longshoreman, however, that that would soon change. “We made no attempt today to employ non-union labor,” the association president said. “We are going to give our union men until Tuesday to return, and if they are not on the job in the morning we will proceed to break the strike.” Added an official from the Mallory shipping company, “Our ships are tied up today, but tomorrow we are going to employ all the labor we can get.”⁵⁵

The MEA was ready for the walkout, and it met the strike with a highly coordinated campaign. The organization flooded the surrounding region with newspaper advertisements and announcements to “induce outside labor to come to work upon the ships in the place of the strikers.”⁵⁶ The Turner Terminal facility served as the strikebreaking center. The companies made provisions for workers to take their meals there and at other well-guarded points in the city, and transported the strikebreakers to assigned piers by truck and tugboat.⁵⁷

The MEA also benefitted from the support of local officials, who also hoped to rid the waterfront of unions. City police announced that they had additional units on hand to provide extra protection for strikebreakers. They

arrested picketers when they attempted to disrupt the loading and unloading of ships. To ensure that local officials dispensed harsh penalties, Turner and other MEA officials sometimes attended court to observe cases involving union longshoremen.⁵⁸

The MEA also used race as a powerful weapon against the strikers, most of whom were African Americans. The companies brought in a large number of Whites, believing that Black ILA members would prove reluctant to interfere with them as they crossed union picket lines. Police and city officials, meanwhile, also might provide better protection for White replacements. Observers noted that the racial makeup of the waterfront workforce became noticeably whiter, as replacements flowed into Mobile from rural regions of Alabama and Mississippi. George Santa Cruz, regional director for the U.S. Shipping Board's operations, reported that "there is also a large percentage of white longshoremen" working in Mobile and the smaller ports of Gulfport, Mississippi, and Pensacola, Florida.⁵⁹ Stevedore Joseph Walsh of Mobile gave a blunt assessment of the enterprise, declaring that "some of these Hoosiers we have do not know a steel rail from a piece of iron pipe. I am compelled to have men right at their backs to tell them what to do next. For a long time I, myself, went down on the docks and assisted in directing the new men, something I have not done in years, until I finally became so sick and tired of it all that I made up my mind to quit and let the steamship companies, who through their agents here dictate the labor policy in this port, pay me for that class of stevedore labor, so long as they want it."⁶⁰

The MEA received additional help from Mobile's newspapers, which denounced the longshoremen and supported efforts to impose the open shop. *The Mobile Register*, the voice of Mobile's establishment, traditionally slanted its coverage against the longshoremen when they went on strike. More surprising was the response of the city's other daily newspaper, *The Mobile News-Item*. In past strikes, the city's afternoon newspaper provided more balanced coverage, often including remarks from labor leaders and workers in its stories. In fall 1923, however, *The News-Item*, supported the MEA's goals. The newspaper's editors warned at the onset of the walkout that longshoremen "will receive little sympathy from the public." The development of the Alabama State Docks was a point of particular concern to the editors. "Mobile's port commerce is entering a

new era of development,” the newspaper declared. “No group of men should be permitted to check this development.”⁶¹

Supported by powerful interests, the MEA quickly resumed operations. Within days of the start of the strike, the association proclaimed it had recruited enough longshoremen to handle about half its normal cargoes. A day later, it announced that all the ships in port were being worked, although some with incomplete gangs of longshoremen.⁶² “If any plans were under way by the negro longshoremen’s union to prevent the strike from being broken they did not materialize, in fact few of the strikers have made their appearance on the docks for the past few days,” the *Mobile News-Item* claimed.⁶³ After a week, the companies declared that every ship “was working this morning with full labor gangs, and more men were applying for jobs vacated by the striking longshoremen than there are vacancies.”⁶⁴

After two weeks, the shipping companies proclaimed the triumph of the open shop along the waterfront. Leaders announced that they would have “no further dealings nor negotiations with the local unions of the International Longshoremen’s Association, but will treat all longshoremen as individuals instead of union laborers.”⁶⁵ Turner proclaimed that “as far as we are concerned, the strike is over” and declared “the end of longshoremen unions so far as Mobile is concerned.”⁶⁶ Coverage vanished from the local newspapers once the MEA proclaimed victory.

If the MEA felt assured of victory in late October, developments at the neighboring port of New Orleans eroded their confidence when the U.S. Shipping Board agreed to ILA wage demands there. Though the New Orleans Steamship Association triumphed in the strike in that city, defeating the walkout at private employers, the U.S. Shipping Board agreement allowed union longshoremen to maintain a presence on the waterfront at its operations, which accounted for 30–35 percent of the port’s commerce, until the early 1930s.⁶⁷ The New Orleans agreement greatly concerned the MEA, particularly because the Mobile’s union longshoremen continued to hold out hope for a settlement.

The MEA’s Turner went on the offensive to make sure that federal officials did not reach a New Orleans-style agreement with the ILA in Mobile. First, the employers established a fund to offset any increase in costs to the U.S. Shipping Board at Mobile.⁶⁸ Second, Turner took an

aggressive posture against any federal officials who he thought might work to forge an accord between the ILA and the U.S. Shipping Board independently of the MEA. Turner initially focused his energy on O'Connor, the former ILA president who was now a commissioner on the U.S. Shipping Board. Turner suspected that O'Connor planned to intervene on behalf of the union in Mobile and force federal officials to pay the higher wage the longshoremen demanded. Turner lobbied O'Connor fiercely. He told the former ILA president that the private employers, who controlled about 75 percent of the port's business, "guarantee the shipping board that there will not be one cent of additional stevedoring cost because of the strike." Turner demanded that O'Connor declare publicly that the U.S. Shipping Board "will not take action independent of our association but will act only in concert with our association."⁶⁹

The MEA may have had some reason for concern about O'Connor. In late October, Fricke, the Gulf Coast District leader, and Chlopek, the union's national president, traveled to Mobile. Turner suspected that they were in Mobile to meet with U.S. Shipping Board officials, allegedly with "instructions" from O'Connor for the federal officials to agree to a higher basic wage.⁷⁰

When Turner learned of the arrival of the ILA leaders, he immediately telegraphed President Calvin Coolidge, urging the federal government not to "permit independent action by the shipping board or Mr. O'Connor until this matter has been placed before you."⁷¹ Describing Fricke and Chlopek as "foreign born labor leaders," Turner warned the president that "Mr. O'Connor was formerly president of the International Longshoremen's union" and hoped to use the federal agency to broker a deal that would allow the union to survive in Mobile.⁷² Turner also fired off a hostile telegram to O'Connor, informing the commissioner that striking longshoremen believed that he planned to intervene in the walkout and deliver higher wages for dockworkers who handled U.S. Shipping Board cargoes.⁷³

Turner's high-profile efforts put the U.S. Shipping Board on the defensive. O'Connor called Turner's claims "extravagant and misleading" and reminded him that, early in the strike, the U.S. Shipping Board had informed the MEA that it "would not become committed and no reason is seen for changing position at this time."⁷⁴ Perhaps worried about the effect

the accusations might have on his career with the U.S. Shipping Board, O'Connor assured White House officials that he was not directly involved in the dispute in Mobile and that the U.S. Shipping Board had "remained neutral in the controversy."⁷⁵ Turner's efforts proved effective. The MEA leader ensured that the ILA in Mobile would not receive the same lifeline from the U.S. Shipping Board that had allowed waterfront unions to survive, however weakened, in New Orleans.

Federal officials, however, tried a final time to resolve the walkout in Mobile. In early November, E. J. Dunnigan, a commissioner with the U.S. Labor Department's Mediation and Conciliation Service, traveled to the city at the behest of U.S. Shipping Board officials to see whether he could negotiate a settlement. Although U.S. Shipping Board officials initially requested that Dunnigan make the trip, they told the federal negotiator to downplay the agency's involvement, perhaps hoping to avoid attracting Turner's attention.⁷⁶

Dunnigan's efforts to end the strike revealed both the weakness of federal agencies in the early 1920s and the unity employers demonstrated in their efforts to defeat the ILA. When he made his way to Mobile, Dunnigan hoped to work out an informal understanding between the shipping companies and the ILA that would allow union members to continue to work along the waterfront under conditions that included lower wages than they had requested and no formal contract. The negotiator arrived in Mobile on 10 November and met with union officials and later with Santa Cruz, the U.S. Shipping Board's regional director.⁷⁷

Dunnigan also met with Turner. Because Turner, sources informed the negotiator, "was the man who controlled the whole situation," any deal to allow the ILA members to return to their old jobs required his personal approval. The meeting did not go well. Turner launched into a lengthy denunciation of federal agencies, which, Turner said, "were unjust, arbitrary and discriminating in decisions affecting Mobile."⁷⁸ He denounced O'Connor and then vowed to force a congressional investigation into the actions of the U.S. Shipping Board in the New Orleans settlement. Dunnigan asked Turner whether he would be willing to meet with a small committee of ILA local leaders, and Turner rejected the idea. After the meeting, Turner protested the federal mediator's presence to the Department of Labor and to the White House.⁷⁹

Dunnigan then decided to test employer unity. He met with several stevedores and shipping leaders individually to see whether they would be willing to reach a deal independently of the MEA. None would defy Turner, Waterman, and the employers group. "Quite a number of the agents expressed a wish that the old men were back," Dunnigan wrote to his superiors. "When pressed as to why not get together on that point, some modified their remarks by saying that they meant back without union agreement or an increase in their pay."⁸⁰ Meanwhile Santa Cruz, the U.S. Shipping Board's regional director, appeared before a meeting of the MEA and attempted a final time to convince the shippers to agree to a 65-cent basic wage and to hire back the ILA members. The employers, however, passed a resolution rejecting the proposal by Santa Cruz and the U.S. Shipping Board.⁸¹

Dunnigan then pressured local ILA leaders to end the Mobile strike. He advanced this idea during a meeting with union officials on 20 November. Fricke had left Mobile and returned to Galveston by that time, and the absence of the district leader allowed Dunnigan to broach the idea of capitulation to three key local ILA leaders. The labor commissioner began the meeting by explaining the efforts of himself and Santa Cruz to mediate the strike. All these attempts, he explained, had ended in failure. The three union presidents admitted that support for the walkout had declined and that union longshoremen had started to cross picket lines. White union leader James Convy admitted that his men were "restless" and the strike was losing support. "I am going to tell the union that Mr. Fricke has left town, that Mr. Santa Cruz accomplished nothing, and a United States Department of Labor man is here, but up to the present he has not been able to bring about a settlement," Convy said in frustration. "When I tell them this there will be a rush to get their jobs back."⁸² The two Black local presidents present at the meeting agreed that their men would do the same if they learned of the failures of the Labor Department and the U.S. Shipping Board to mediate the strike. Henry Thompson of Local 1022, which had about four hundred men still on strike, predicted that the ILA would become "disorganized" if the strike ended in a chaotic fashion. He pushed instead for the Mobile locals to make a joint announcement of the end of the strike. "You men know, we all went into this thing together and when we go out we ought to all go out together and not by the men of one union rushing back to work and then the men of the other two locals rushing to do

the same thing,” he told his fellow union leaders.⁸³ Dunnigan endorsed this course of action. He urged the union men to canvass their membership on the matter of ending the strike and if the men wanted to return to work, they should “do so in a uniform and orderly manner.”⁸⁴

The Mobile locals ceased striking in early December. Chlopek traveled to Mobile and met with the remaining Black and White strikers at a joint meeting and told them “that it was advisable to call the strike off.”⁸⁵ The ILA members began to return to the docks to look for their old jobs a few days later.⁸⁶

The ILA went into steep decline along the waterfront in Mobile. Both White and Black longshoremen worked to preserve their organizations as best they could, and there is some evidence that weakened organizations survived into the middle of the decade.⁸⁷ Undoubtedly, companies hired back some of the old unionists as time passed. ILA president Chlopek complained that the companies treated longshoremen poorly and discriminated against the former members of his union when they went back to inquire about their old jobs. “The men are becoming quite discouraged and something should be done to clarify this unpleasant situation if it [is] expected that the proper relationship shall exist at this port,” he wrote a year after the walkout.⁸⁸

By fall 1927, however, federal officials reported that stevedores and shipping companies in Mobile “are operating under ‘open shop’ and are not working under any signed labor agreement with any organization.”⁸⁹ The Alabama State Docks facility opened that year.⁹⁰ When it did, the port business in Mobile expanded dramatically, but the work along the new wharves and piers remained nonunion.

The shipping interests’ determination to drive the ILA from the docks and the failure of federal officials to protect unionists played critical roles in the defeat of the longshoremen along the Mobile waterfront. With Clemmons’s help, however, the ILA had sunk deep roots in Mobile’s Black community during the twentieth century’s first two decades. African American dock-workers would revive the union in the 1930s and begin another lengthy effort to build the ILA on the waterfront. In this later era, they would battle the stevedores, shipping companies, and their own local and national leadership, and they even would resist the efforts of another union to lure them into its fold before permanently establishing the ILA in

Mobile. The foundations of such loyalty were laid during in these early struggles.

Notes

I am grateful those who commented on earlier versions of this essay at the Southern Labor Studies Bi-Annual Conference in Atlanta, Georgia, in April 2011 and the Alabama Historical Association's Annual Meeting in Huntsville, Alabama, in April 2012. I also thank a reviewer for the University of Illinois Press and the editors of this collection, Rosemary Feurer and Chad Pearson, all of whom made many valuable suggestions, and Colin Davis and Eric Arnesen, who had supportive words while this essay was in its early stages. I am indebted as well to many people in Mobile who have encouraged my work over the years, especially David Alsobrook and Scotty Kirkland of the History Museum of Mobile and Mark Bass, president of International Longshoremen's Association Local 1410.

1. "Klu [sic] Klux Klan [sic] Takes Negro from Patrol; Riot Call Issued," *Mobile Tribune*, 17 June 1918. In contemporary accounts Clemmons is identified by a nickname, "Rafe." On Ralph, or Rafe, Clemmons, see *Mobile City Directory, 1918*, U.S. Department of Commerce, Bureau of the Census, *Tenth Census of the United States: 1880*, Schedule 1: Inhabitants in Mobile in the County of Mobile, State of Alabama; and U.S. Department of Commerce, Bureau of the Census, *Twelfth Census of the United States: 1900*, Schedule No. 1, Population, Alabama, Mobile. See also Michael V. R. Thomason, "Mobile in World War I," in *The Great War in the Heart of Dixie: Alabama during World War I*, ed. Martin T. Olliff (Tuscaloosa: University of Alabama Press, 2008).

2. "Klu [sic] Klux Klan [sic] Takes Negro" and "Rafe Clemmons Is Taken Awau [sic] by Ku Klux Klan," *Mobile Register*, 16 June 1918. Clemmons's early organizing efforts and early ILA strikes in Mobile are described in my essay "'The Past Has Taught Us a Lesson': The International Longshoremen's Association and Black Workers in Mobile, Alabama, 1903–1913," *Alabama Review* 65, no. 2 (April 2012): 100–36.

3. On the federal expansion and its limits during this era as it pertains to labor, see Joseph A. McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations* (Chapel Hill: University of North Carolina Press, 1997); Robert H. Zieger, *America's Great War: World War I and the American Experience* (New York: Rowman and Littlefield, 2001); and Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill: University of North Carolina Press, 1994). On World War I-era unionization on the Gulf Coast, see Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863–1923* (New York: Oxford University Press, 1991); Daniel Rosenberg, *New Orleans Dockworkers: Race, Labor, and Unionism, 1892–1923* (Albany: State University of New York Press, 1988); and Clifford Farrington, *Biracial Unions on Galveston's Waterfront, 1865–1925* (Austin: Texas State Historical Association, 2007).

4. This phenomenon is described in McCartin, *Labor's Great War*, 173–98. See also Zieger, *America's Great War*, and Dubofsky, *The State and Labor*. On the shortcomings of Progressive ideas about class, see Shelton Stromquist, *Reinventing "The People": The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006).

5. Thomason, "Mobile in World War I." See also Christopher MacGregor Scribner, "Progress versus Tradition in Mobile, 1900–1920," and Billy Hinson, "Mobile during the Interwar Years"—both in *Mobile: the History of Alabama's First City*, ed. Michael V. R. Thomason (Tuscaloosa: University of Alabama Press, 2001).

6. Thomason, "Mobile in World War I." See also Alabama State Harbor Commission and Mobile Chamber of Commerce, *Port of Mobile* (Mobile, 1923). A copy of this publication was found in the

Doy Leale McCall Rare Book and Manuscript Library, University of South Alabama, Mobile, Alabama.

7. Letter, John Waterman to Roy Garner, 14 January 1926, File 8, Box 12, and undated memo to the U.S. Shipping Board, File 6, Box 5, both in Waterman Steamship Corporation Records, Doy Leale McCall Rare Book and Manuscript Library, University of South Alabama, Mobile, Alabama (hereafter referred to as Waterman Records).

8. Population numbers are found in Scribner, "Progress versus Tradition in Mobile," 155. Mobile's population was just 38,469 in 1900. See David Ernest Alsobrook, "Alabama's Port City: Mobile during the Progressive Era, 1896–1917" (Ph.D. diss., Auburn University, 1983), 24.

9. War Department Corps of Engineers, U.S. Army, and United States Shipping Board, *Port Series No. 3: The Ports of Mobile, Alabama and Pensacola, Florida* (Washington, DC: U.S. Government Printing Office); and Merchants Bank, "The Port of Mobile," *The Teller*, 2, no. 5 (February 1921), 3–33.

10. Thomason, "Mobile in World War I"; Hinson, "Mobile during the Interwar Years"; and Corps of Engineers and U.S. Shipping Board, *Port Series No. 3*. See also letter, John Waterman to Roy Garner, 14 January 1926, File 8, Box 12, and undated memo to the U.S. Shipping Board, File 6, Box 5—both in Waterman Records.

11. The federal government's efforts to spy on African Americans during World War I is chronicled in Mark Ellis, *Race, War, and Surveillance: African Americans and the United States Government during World War I* (Bloomington: Indiana University Press, 2001). On federal surveillance and harassment of African Americans during the immediate postwar era, see Theodore Kornweibel Jr., *'Seeing Red': Federal Campaigns against Black Militancy, 1919–1925* (Bloomington: Indiana University Press, 1998). For the Wilson Administration's relationship to African Americans, see Zieger, *America's Great War*. On the Great Migration, see Eric Arnesen, "Introduction: 'The Great American Protest,'" in *Black Protest and the Great Migration: A Brief History with Documents*, ed. Eric Arnesen (Boston: Bedford St. Martins, 2003), 1–4; David Alsobrook, "A Call to Arms for African Americans during the Age of Jim Crow: Black Alabamians' Response to the U.S. Declaration of War in 1917," in *The Great War in the Heart of Dixie: Alabama during World War I*, ed. Martin T. Olliff (Tuscaloosa: University of Alabama Press, 2008); and Patricia Sullivan, *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (New York: New Press, 2009).

12. Kenneth Jackson, *The Ku Klux Klan in the City, 1915–1930* (1967; repr., Chicago: Elephant Paperbacks, 1992); and Glenn Feldman, *Politics, Society, and the Klan in Alabama, 1915–1949* (Tuscaloosa: University of Alabama Press, 1999). Historian David Alsobrook estimated that Catholics made up about 25 percent of the churchgoers in Mobile at the end of the 1800s. See Alsobrook, "Alabama's Port City." In the late 1920s a candidate for City Commission admitted that he had briefly belonged to the Ku Klux Klan in 1921 (he erroneously described this incarnation of the organization as the city's first formal chapter). The candidate, Neander D. Cunningham, also said he joined "at the same time that a number of my Catholic friends applied for membership." If true, this suggests that Klan ideology was flexible and could be tailored to local conditions. See "One-Time Membership in Ku Klux Is Admitted by Candidate Cunningham," *Mobile Sunday Register*, 24 July 1927. This article was found in Ku Klux Klan, Local History and Genealogy Division, Mobile Public Library vertical files, Mobile, Alabama. On the flexibility of Klan doctrine as it applied to Catholics and Jews, see Thomas Pegram, *One Hundred Percent American: The Rebirth and Decline of the Ku Klux Klan in the 1920s* (Chicago: Ivan R. Dee, 2011), 33, 55–56.

13. Feldman, *Politics, Society, and the Klan in Alabama*, 61; and Jackson, *Ku Klux Klan in the City*, 7.

14. Pegram, *One Hundred Percent American*, 33–35. Scholars have found evidence of antiunionism on the part of the Ku Klux Klan during the World War I era in Alabama. See Brian

Kelly, *Race, Class, and Power in the Alabama Coalfields, 1908–21* (Urbana: University of Illinois Press, 2001); and McCartin, *Labor's Great War*.

15. See *Proceedings of the Twenty-Fourth [ILA] Convention, Including Proceedings of Executive Council Meeting, Toledo, Ohio, 9–15 July 1917*, Special Collections, Milton S. Eisenhower Library, Johns Hopkins University, Baltimore, MD (hereafter referred to as Eisenhower Library).

16. *Proceedings of the Twenty-Fifth [ILA] Convention, Including Proceedings of Executive Council Meeting, Galveston, Texas, 14–22 July 1919*, Eisenhower Library.

17. On wages during World War I, see “Award, National Adjustment Commission, 24 January 1919, Regulating Conditions and Wages for Labor in Handling Timber Out of Water,” folder “Timbermen III, L-Mobile, National Adjustment Commission, Adjustment Case Files, 1917–1919,” Box 4; “Award, National Adjustment Commission, 2 November 1918, Readjustment of Wages and Working Conditions of General Longshore Labor at the Above Mentioned Ports (Deepwater Vessels);” folder “L-Gulf Coast, New Orleans Conference, 23 October 1918”; “Award, National Adjustment Commission, 6 January 1919, Readjustment of Wages and Working Conditions of General Longshore Labor at the Above Mentioned Ports (Coastwise Vessels);” folder “L-Gulf Coast, Gulf Coastwise Longshore III, National Adjustment Commission, Adjustment Case Files, 1917–1919,” Box 3—all in RG 32, Shipping Board and Shipping Board Bureau, National Archives and Records Administration, College Park, Md. (hereafter referred to as U.S. Shipping Board Records).

18. See “Handling Timber and Round Logs Out of Water, 22 November 1919,” “Booming and Rafting Timber, 22 November 1919,” and “Readjustment of Wages and Working Conditions of General Longshore Labor at the Above Ports, 22 November 1919,” folder “Gulf Awards, 1919, National Adjustment Commission, Adjustment Case Files, 1917–1919,” Box 14, U.S. Shipping Board Records.

19. On the WTCBA, see Statement of R. J. Williams of Mobile, Alabama, Box 3, Folder 4, Samuel L. Gilmore Papers, 1876–1910, Special Collections Division, Howard-Tilton Memorial Library, Tulane University, New Orleans, Louisiana. The WTCBA’s racial ideology and early history are discussed in my essay “‘The Past Has Taught Us a Lesson.’”

20. *Proceedings of the Twenty-Fifth [ILA] Convention, Including Proceedings of Executive Council Meeting, Galveston, Texas, 14–22 July 1919*, Eisenhower Library.

21. “Waterfront Strike Is Amicably Settled,” *Mobile Daily Item*, 2 October 1913; and letter, John B. Waterman, Waterman Steamship Corporation, to Elmo L. Davison, District Agent, U.S. Shipping Board, 21 March 1922, binder “Weekly Labor Reports—Mobile District (II),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records. See also my essay “‘The Past Has Taught Us a Lesson’”; Eric Arnesen, “‘It Aint Like They Do in New Orleans’: Race Relations, Labor Markets, Waterfront Labor Movements in the American South, 1880–1923,” in *Racism and the Labour Market: Historical Studies*, ed. Marcel van der Linden and Jan Lucassen (Berne, Switz.: Peter Lang, 1995), 77–78; and Eric Arnesen, “Biracial Waterfront Unionism in the Age of Segregation,” in *Waterfront Workers: New Perspectives on Race and Class*, ed. Calvin Winslow (Urbana: University of Illinois Press, 1998), 38–40.

22. “Proceedings of the National Adjustment Commission—New Orleans, Louisiana, October 28, 1919,” folder “Proceedings of National Adjustment Commission—New Orleans, Louisiana, October 31, 1919, Two of Two,” Box 6, National Adjustment Commission, RG 32, U.S. Shipping Board Records, 70.

23. See “Mobile, Ala.: Shop Rules and Rates of Pay to Govern the Employment of Machinists and Apprentices Employed by the Firms Whose Signatures Are Attached Here,” *Machinists’ Monthly Journal*, September 1917, International Association of Machinists and Aerospace Workers Publications, Digital Collections, Georgia State University Library, Atlanta, Ga. (hereafter referred to as Digital Collections, GSU Library), <http://digitalcollections.library.gsu.edu/cdm/ref/collection/IAMAWpubs/id/24642>. See also “Rules and Regulations Covering Working Hours and Rates of Wages for Boilermakers, Apprentices and

Helpers Employed in the Contract Boiler Shops of Mobile, Alabama,” *Boiler Makers’ Journal*, September 1917, 699–700. The language in the Boilermakers Union agreement (unlike the IAM contract) provided protections for nonunion workers, which may have reflected the weaker position of the Boilermakers Union in the Mobile shipyards. Basic wages were set at 56¼ cents an hour for members of the IAM and from \$2.50 to \$4.50 a day for the Boilermakers. Copies of the Boilermakers Union newspaper, which periodically changed its title, were found in the regular microfilm collection at the Georgia State University Library. Both unions discriminated against African Americans. See Robert Zieger, *For Jobs and Freedom: Race and Labor in America since 1865* (Lexington: University Press of Kentucky, 2007).

24. “Klu [sic] Klux Clan [sic] Takes Negro.”
25. “Workers Strike in Laundries to Get Higher Pay,” *Mobile Register*, 23 April 1918. See also Eric Arnesen, “Introduction: ‘The Great American Protest,’” 27.
26. “Laundry Labor Out on Strike for Raise in Wages,” *Mobile News-Item*, 22 April 1918.
27. “Workers Strike in Laundries to Get Higher Pay,” *Mobile Register*, 23 April 1918.
28. “Negro Women Are under Arrest in Laundry Strike,” *Mobile News-Item*, 15 April 1918.
29. “Six Strikers Fined for Interfering with Launderers,” *Mobile News-Item*, 27 April 1918.
30. Ibid.
31. “Mobile Sheriff Starts Crusade against Idlers,” *Mobile News-Item*, 23 April 1918.
32. “An Ordinance: To Define and Punish Vagrancy,” Minutes of Board of Commissioners Meeting, 23 April 1918, Board of Commissioners Minutes, City of Mobile, Microfilm Reel 23, Mobile Municipal Archives, Mobile, Ala. (hereafter referred to as Mobile Municipal Archives).
33. “Mobile Sheriff Starts Crusade.” Localities across the South passed such measures during the war. See Sullivan, *Lift Every Voice*, 81.
34. “Klu [sic] Klux Clan [sic] Takes Negro.”
35. “Proceedings of the National Adjustment Commission Held at New Orleans, Louisiana, October 31, 1918.” The National Adjustment Commission and its local boards, like the one in Mobile, mediated conflicts on the docks during the wartime era. See Arnesen, *Waterfront Workers*.
36. “Clemmons, Negro Victim of Ku Klux Is in New Orleans Seeking a Job,” *Mobile Tribune*, 17 June 1918.
37. “Proceedings of the National Adjustment Commission Held at New Orleans, Louisiana, October 31, 1918.”
38. “Klu [sic] Klux Clan [sic] Takes Negro”; “Clemmons, Negro Victim of Klu [sic] Klux Klan”; and “Rafe Clemmons Is in New Orleans,” *Mobile Register*, 18 June 1918. It does not appear that Clemmons returned to Mobile for any sustained period of time after his kidnapping. The Mobile City Directory did not list him again until 1926, and he was not listed in later editions of the publication. Clemmons’s kidnapping may have motivated African American leaders to organize the Mobile Branch of the National Association for the Advancement of Colored People (NAACP), which was established the following year. See Dorothy Autrey, “The National Association for the Advancement of Colored People in Alabama, 1913–1952” (Ph.D. diss., University of Notre Dame, 1985), 25, 81–82.
39. “Ku-Klux Clan [sic],” Minutes of Board of Commissioners Meeting, 18 June 1918, Board of Commissioners Minutes, City of Mobile, Microfilm Reel Number 23, Mobile Municipal Archives. In addition, Carpenters and Joiners Local 89 passed a resolution denouncing the Ku Klux Klan. The unionists said the members of the Hooded Order in Mobile “have brought discredit upon officers of the law.” See “City Takes Step to Stop Ku-Klux,” *Mobile Register*, 19 June 1918.
40. “Ku Klux Adds Spice to City Commission Today,” *Mobile Tribune*, 18 June 1918.
41. “City Takes Step.”
42. McCartin, *Labor’s Great War*; Dubofsky, *The State and Labor*; and Zieger, *America’s Great War*. See also Stromquist, *Reinventing “The People.”*

43. The Boilermakers Union called off its strike in April. See *Boilermakers' and Iron Ship Builders' Journal*, April 1921, 158. The *Machinists' Monthly Journal* cautioned unionists to avoid Mobile for a year, before the IAM admitted defeat by dropping references to the strike in its newspaper. See also "Ship Workers on Strike in Local Yards," *Mobile News-Item*, 2 October 1920, and "Report of Int'l Vice President Nolan," *Boilermakers' and Iron Ship Builders' Journal*, February 1921, 62–63.

44. Letter, W. S. Smith, President, ILA Local 853, to F. I. Thompson, Shipping Board Commissioner, 19 January 1922; letter, Anthony Chlopek, President of the I.L.A., to J. C. Jenkins, Acting Director, Industrial Relations Division, U.S. Shipping Board, 19 January 1922; and telegram, Elmo Davison, District Agent, U.S. Shipping Board, to J. C. Jenkins, 1 October 1923, Mobile Binder I, Records of Commissioner T. V. O'Connor, Box 204, RG 32, U.S. Shipping Board Records. The basic wage had dropped to 55 cents after the war.

45. Letter, J. C. Jenkins, Acting Director, Industrial Relations Department, U.S. Shipping Board, to W. S. Smith, President, International Longshoremen's Association (Mobile), 26 January 1922, Weekly Labor Reports Binder II, Records of Commissioner T. V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

46. Letter, J. C. Jenkins, Acting Director, Industrial Relations Department, U.S. Shipping Board, to Elmo Davison, 25 January 1922, U.S. Shipping Board Records.

47. Letter, Elmo L. Davison, District Agent, U.S. Shipping Board, to J. C. Jenkins, Acting Director, Division of Industrial Relations, 6 February 1922, and letter, Elmo L. Davison, District Agent, U.S. Shipping Board, to J. C. Jenkins, Acting Director, Division of Industrial Relations, 23 January 1922, U.S. Shipping Board Records.

48. Telegram, Elmo Davison to J. C. Jenkins, 14 March 1922, U.S. Shipping Board Records.

49. Letter, John B. Waterman to Horace Turner, President, Marine Employers' Association, 2 November 1923, re: Marine Employers' Association of the Port of Mobile, and letter, John B. Waterman, Chairman, Finance Committee, to Membership, 2 October 1923, File 24, Box 4, Waterman Papers.

50. Letter, Elmo L. Davison, to G. J. Santa Cruz, District Director, Emergency Fleet Corporation, New Orleans, 3 August 1923, Weekly Labor Reports—Mobile District Binder III, Records of Commissioner T. V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

51. See Resolutions, Marine Employers' Association of the Port of Mobile, 18 September 1923, U.S. Shipping Board Records.

52. Letter, E. H. Dunnigan, Commissioner of Conciliation, to H. L. Kerwin, Director of Conciliation, U.S. Department of Labor, 23 November 1923, Folder 170/2248, Box 154, Dispute Case Files, 1913–1948, RG 280, Records of the Federal Mediation and Conciliation, National Archives and Records Administration, College Park, Md. (hereafter referred to as Federal Mediation and Conciliation Service Records).

53. "Available Labor Will Be Used to Stevedore Ships," *Mobile Register*, 2 October 1923, and "Wharfmen Quit in Response to Order on Strike," *Mobile News-Item*, 1 October 1923.

54. "Wharfmen Quit."

55. "Available Labor Will Be Used."

56. Letter, Horace Turner, President of the Marine Employers' Association, to Furman B. Pearce, Southern Manager, Norton Lilly and Co., New Orleans, 13 March 1925, File 13, Box 4, Waterman Papers. In this letter, Turner provided a detailed overview of company efforts (including expenses) during the 1923 strike.

57. Ibid. See also "Available Labor Will Be Used."

58. "To Prosecute Intimidation of Workmen on Waterfront," *Mobile News-Item*, 6 October 1923; "Plan Made for Strike of Negro Wharf Workers," *Mobile Register*, 1 October 1923; and "Available Labor Will Be Used."

59. Telegram, George Santa Cruz to J. C. Jenkins, 25 October 1923, binder “Weekly Labor Reports—Mobile District (III),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records.

60. Letter, E. H. Dunnigan, Commissioner of Conciliation, to H. L. Kerwin, Director of Conciliation, U.S. Department of Labor, 23 November 1923, Folder 170/2248, Box 154, Dispute Case Files, 1913–1948, RG 280, Federal Mediation and Conciliation Service Records. The potential for racial conflict along the waterfront also may have led to a brief rise in Klan activity in Mobile. In late October, the city commission was forced to issue a strong denunciation of the Klan. The measure urged “respecting citizens to refrain from lending aid or encouragement to the promotion of the Ku Klux Klan and thereby remain 100 percent loyal to our common country as founded by our forefathers and as protected by the Constitution of the United States, the State of Alabama and the general laws of the land.” See “Ku Klux Klan Resolution,” Minutes of Board of Commissioners Meeting, 23 October 1923, Board of Commissioners Minutes, City of Mobile, Microfilm Reel 23, Mobile Municipal Archives.

61. “Longshoremen Strike,” *Mobile News-Item*, 2 October 1923.

62. “Sufficient Labor to Handle Ships, Association Says,” *Mobile Register*, 4 October 1923; and “Shipping Back to ‘Normalcy’ Despite Strike,” *Mobile News-Item*, 5 October 1923.

63. Ibid.

64. “To Prosecute Intimidation of Workmen on Waterfront,” *Mobile News-Item*, 6 October 1923.”

65. “‘Open Shop’ to Rule Dock Work Here in Future,” *Mobile Register*, 16 October 1923.

66. “Dock Strikers, as Individuals, May Return,” *Mobile News-Item*, 15 October 1923.

67. Arnesen, *Waterfront Workers*, 248–49.

68. Telegram, Elmo Davison to J. C. Jenkins, 31 October 1923; and telegram, J. C. Jenkins to Elmo Davison, 31 October 1923, binder “Weekly Labor Reports—Mobile District (III),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records.

69. Telegram, Horace Turner to T. V. O’Connor, 30 October 1923, U.S. Shipping Board Records.

70. “Mobile Balks at ‘Suggestions’ of Ship Board,” *Times Picayune*, 28 October 1923.

71. Ibid.

72. Ibid.

73. Telegram, Horace Turner to T. V. O’Connor, 1 November 1923, binder “Weekly Labor Reports—Mobile District (III),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records.

74. Telegram, T. V. O’Connor to Horace Turner, 2 November 1923, binder “Weekly Labor Reports—Mobile District (III),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records.

75. Letter, T. V. O’Connor to C. Bascom Slemph, Secretary to President Calvin Coolidge, 1 November 1923, binder “Weekly Labor Reports—Mobile District (III),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records.

76. Letter, E. H. Dunnigan, Commissioner of Conciliation, to H. L. Kerwin, Director of Conciliation, U.S. Department of Labor, 15 November 1923, Folder 170/2248, Box 154, Dispute Case Files, 1913–1948, RG 280, Federal Mediation and Conciliation Service Records.

77. Ibid.

78. Ibid.

79. Ibid. See also telegram, Horace Turner, Marine Employers’ Association, to Commissioner of Labor, 20 November 1923; and telegram, Horace Turner to The President of the United States, 22 November 1923, binder “Weekly Labor Reports—Mobile District (III),” Records of Commissioner T. V. O’Connor, Box 189, RG 32, U.S. Shipping Board Records.

80. Letter, E. H. Dunnigan, Commissioner of Conciliation, to H. L. Kerwin, Director of Conciliation, U.S. Department of Labor, 23 November 1923, binder “Weekly Labor Reports—

Mobile District (III)," Records of Commissioner T. V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

81. Telegram, Santa Cruz to Jenkins, 16 November 1923, binder "Weekly Labor Reports—Mobile District (III)," Records of Commissioner T. V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

82. Letter, E. H. Dunnigan, Commissioner of Conciliation, to H. L. Kerwin, Director of Conciliation, U.S. Department of Labor, 23 November 1923, binder "Weekly Labor Reports—Mobile District (III)," Records of Commissioner T. V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

83. Ibid.

84. Ibid.

85. Letter, James J. Convy to E. H. Dunnigan, 2 December 1923, *ibid.*

86. "Strike Called Off," unidentified publication, 6 December 1923, *ibid.*

87. See, for example, letter, Elmo Davison to Horace Turner, 24 October 1924; and letter, Elmo Davison to Caldwell Jenkins, Director of Industrial Relations, 30 January 1925, Binder I, Weekly Labor Reports: Mobile District, Box 189, RG 32, U.S. Shipping Board Records.

88. Letter, Anthony Chlopek, President, International Longshoremen's Association, to A. G. Malone, District Director, U.S. Shipping Board, 29 October 1924, binder "Mobile District, September 5, 1924 to—," Records of Commissioner T. V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

89. Letter, E. A. Kelly, Vice President-Operations, to Chairman, 25 November 1927, binder "Mobile District, September 5, 1924 to—," Records of Commissioner T.V. O'Connor, Box 189, RG 32, U.S. Shipping Board Records.

90. Hinson, "Mobile during the Interwar Years," 183.

5 Through a Glass, Darkly

The NLRB, Employer Counteroffensives, Investigative Committees, and the CIO

DOLORES E. JANIEWSKI

In the mid-1930s U.S. employers faced an unprecedented situation in confronting an insurgent labor movement spearheaded by the Committee for Industrial Organization (CIO), an energized American Federation of Labor (AFL) determined to defeat its new industrial rival, and federal legislation that protected the right to organize by establishing the National Labor Relations Board (NLRB). Anticommunism offered one important rallying cry for employers and industrial organizations like the National Association of Manufacturers (NAM) who sought powerful recruits for an antiunion counteroffensive. An emerging conservative anti-New Deal coalition in Congress, the FBI, state agencies, police red squads, and patriotic groups found common cause with NAM, industrial employers, and professional strikebreakers to combat the CIO and enlist conservative AFL leaders in a covert alliance. The present analysis examines the NLRB and three legislative committees that resisted or aided employer efforts to prevent industrial unionism with the active complicity of the AFL. A complicated process of public exposure and secret intelligence gathering, undertaken by the Senate Civil Liberties Committee (the La Follette Committee) and the NLRB, aided the CIO's organizing drive. The House Special Committee to Investigate Un-American Activities (the Dies Committee) and the House Special Committee to Investigate the NLRB (the Smith Committee) supported employers with help from a private-public

surveillance network. These warring parties fought not only over the fate of the CIO and the NLRB but also the future of the New Deal reform agenda.¹

An ideologically fractured state, California became a prime site for combat between the contending forces. Efforts to organize farmworkers alarmed the state's powerful agricultural interests. The waterfront strike in 1934, culminating in the San Francisco general strike, threatened not only agribusiness but other vital industries and financial interests. That conflict produced a new hate figure for California employers and anticommunist patriots in Harry Bridges. His rise to the presidency of the International Longshoremen's and Warehousemen's Union (ILWU) and to leadership of the West Coast CIO made him the ideal target for allegations of Communist sympathies and conspiratorial intentions to strangle the California economy. His lack of U.S. citizenship offered a point of vulnerability that fit the archetype of an alien menace whose deportation could save the state from labor strife, subversion, and economic catastrophe.² The symbolic importance of the ILWU's leader and the CIO's potential for enhancing the power of organized labor in California makes it a useful case study of the conflict between antiunion and pro-union coalitions, each reliant on public-private alliances, in the late 1930s.



Members of the Dies Committee, staff, and J. B. Matthews, on 22 August 1938. Left to right: Rep. Harold G. Mosier; Rep. Noah M. Mason; Chairman Martin Dies; Dr. J. B. Matthews; Stephen

Historical scholarship has paid insufficient attention to the tumultuous period between 1935 and 1940, when employers lost their immunity from investigation, exposure, and punitive judgments by federal tribunals and looked for support from anti-New Deal conservatives. A recent focus on what Jennifer Luff has called the AFL's "commonsense anticommunism" should not ignore the powerful interests enlisted in the anti-CIO alliance. Just as important, the public and private forces defending Bridges and the CIO deserve historical recognition for determined resistance until preparation for U.S. involvement in World War II gave renewed impetus to the antiradical cause in what Landon Storrs has called the second Red Scare. What follows examines the battle over industrial unionism when both the CIO and its opponents allied with various parts of the federal and state apparatus and nonstate partners. Partially conducted clandestinely, the conflict halted the New Deal reform agenda and laid the evidentiary foundation for its postwar reversal by the Labor Management Relations Act of 1947 (the Taft-Hartley Act) and the controversial hearings conducted by the Dies Committee's permanent successor, the House Un-American Activities Committee (HUAC).³

Historical Context

The passage of the 1935 National Labor Relations Act (NLRA), which established the NLRB, did not suddenly shift the balance of power in favor of unions. Confidently expecting a Supreme Court decision overturning the NLRA, employers relied upon familiar antiunion strategies to block organizing efforts. A resolute NLRB staff looked for ways to convince the public about the necessity for federal intervention to create a more equal relationship between unions and employers. Deciding to expose what NLRB member Edwin Smith described as "the sinister maneuvers of entrenched interests working behind the scenes," a veteran NLRB official prevailed upon Senator Robert La Follette to investigate antiunion strategies. The agency supplied expert witnesses and evidence to convince senators to establish the La Follette Committee in June 1936. Hearings began in August with La Follette and Senator Elbert Thomas selecting the

most “sensational” and “extreme” examples of employer tactics to garner newspaper attention to the underhanded tactics adopted by recalcitrant employers stirring up “anti-Red hysteria” to prevent workers from joining unions.⁴

The La Follette Committee’s investigations into industrial espionage, strike breaking, vigilantism, and law enforcement collusion with employers attracted praise from CIO supporters and a barrage of criticism from anti-CIO sources. NLRB officials believed that the “disclosures” and “colorful testimony of finks and criminals on company payrolls” helped to change public opinion about the need for the agency. The agency credited the hearings with influencing the 1937 Supreme Court decision validating the NLRA by casting doubt on the claim that employers and workers could bargain as equals without special labor legislation. In the jaundiced view of the *Chicago Tribune*, the committee sought to “harass and smear employers opposed by the C.I.O.” Even more reprehensible to the *Tribune* was the committee’s protection of Reds from industrial surveillance. George E. Sokolsky, a syndicated columnist and NAM-sponsored radio commentator, viewed the CIO, the NLRA, and the La Follette Committee as conspiring to subvert the capitalist system. Despite the attacks, the La Follette Committee continued to spotlight employer skullduggery and collect enough evidence to support stronger legislation increasing the NLRB’s regulatory powers, eliciting even more outrage from the anti-CIO press and congressional conservatives.⁵

Determined to expose employers’ antiunion strategies, John J. Abt, chief counsel for the La Follette Committee in its first year, employed methods devised by NLRB field agents for obtaining information from unwilling employers and industrial espionage organizations. The staff honed the art of using the subpoena, sometimes delivering them wholesale to targets or issuing one to a specific organization and another to the building owners on the following day to comb through the trash. Discussing the committee’s methods, Abt explained that a “wastebasket snooper” collected the evidence in the form of torn and mutilated letters that the staff painstakingly reassembled to uncover information about blacklists, undercover operatives, and stool pigeons to demonstrate the extent of industrial espionage. The *Wall Street Journal* described “torn letters, file cards, and order blanks” and the *New York Times* reported “patched-together fragments” and discarded carbon copies “found in a wastebasket” as evidence retrieved from

detective agencies supplying undercover agents. Members of a burgeoning network of activist lawyers, the NLRB, and La Follette staff exchanged useful evidence and passed it on to lawyers defending CIO clients such as Bridges and the ILWU. Connected through the American Civil Liberties Union (ACLU) and the National Lawyers Guild (NLG) after its formation in 1937, the network used incriminating documents from the NLRB and La Follette Committee investigations to expose employers' tactics, industrial espionage, and law enforcement collusion in harassing unions and their leaders.⁶

The committee's ability to force employers to testify, subpoena records, punish perjury, and indict them for contempt constituted an unprecedented assault on accustomed managerial prerogatives. Intently observing the proceedings, a *Washington Post* reporter described industrial spies squirming under La Follette's penetrating questions as the senator administered a wellresearched counterpunch followed by "merciless politeness" for a witness caught in a lie because the committee's investigators had found conclusive evidence to the contrary. Senator Thomas's kindly demeanor caused witnesses to relax and sometimes disclose harmful revelations. The journalist compared the committee's proceedings to the Last Judgment. Flanked by their investigators and the press, La Follette and Thomas became divinely appointed judges punishing vice and rewarding virtue. Hostile newspapers used the historical analogy of the pillory, the Spanish Inquisition, storm troopers, and Joseph Stalin's secret police to characterize the committee's methods. Searching in back alleys and rubbish bins, the committee uncovered what employers and organizations like NAM wanted to keep hidden.⁷ Skillful tactics and publicity forced employers and their allies to seek countervailing forms of state power for a counterattack against the intrusive scrutiny that turned their records into evidence to counter their antiunion strategies.

California industrialists, bankers, and agriculturalists shuddered at the threatening rise of the CIO, aided and abetted by the NLRB and the La Follette Committee and their suspected Communist Party support. The decision of the longshoremen's union to join the CIO in 1937 and become the ILWU intensified existing hostilities generated by agricultural organizing efforts, the 1934 waterfront strike, and another longshoremen's strike from November 1936 to February 1937. In the view of the longstanding antiunion *Los Angeles Times*, Bridges was the leader of

predatory Reds trying to destroy U.S. institutions. CIO organizing drives in automobiles, aviation, agriculture, and Hollywood, the high rate of migration, and the growth of the second-largest state membership in the Communist Party in the United States made powerful California economic interests determined to regain their accustomed dominance. Anti-CIO forces expanded to combat organizing drives by the United Auto Workers (UAW), the ILWU, and cannery workers. Owned by Harry Chandler, who had investments in shipping, agricultural enterprises, and real estate, the *Los Angeles Times* urged its readers to “weed out the Reds from the Unions.” Chandler and other California capitalists privately discussed ways to fight the CIO with the help of the organizations they had created as protective cover.⁸



Harry Bridges attending a C.I.O. meeting on 6 July 1937 in Washington, D.C. Harris and Ewing Collection, Prints and Photographs, Library of Congress, LC-DIG-hec-22979.

Creating an Anti-CIO Alliance

A backlash against the 1937 automotive sit-down strikes, an economic down-turn, and Roosevelt’s attempt to add additional members to the Supreme Court emboldened the anti-New Deal bloc in Congress. NAM

used Sokolsky as a front man in the campaign, which included radio spots, magazine articles, community meetings, columns denouncing the CIO and the La Follette Committee, and a book with a NAM slogan in its title, *The American Way of Life*. Testifying to the La Follette Committee, NAM officials reluctantly revealed the cost of the campaign and Sokolsky's involvement. In response, probusiness newspapers denounced New Deal propaganda. Simultaneously, Senator Edward Burke deplored "prudent and patriotic businessmen" being subjected to the NLRB's "outrageous treatment." Senator Royal S. Copeland's examination of labor-management conflicts in the maritime industry resulted in a vow to deport the alien Bridges and eradicate subversive activities from the merchant marine. NAM avidly supported the anti-NLRB and anti-Bridges initiatives only to be disappointed when the Senate balked and Copeland's death deprived them of an ally.⁹

NAM and an increasingly disgruntled AFL turned to the other branch. They prevailed upon Congress to create what the *Wall Street Journal* called a "parallel investigation" to "uncover violations of individual rights by labor organizations" and make the NLRA more "equitable by emphasizing labor responsibility." In late May, Representative Martin Dies became chairman of a special House committee. The AFL's leadership discussed a common strategy with the Texas congressman about how to investigate the suspected links between the CIO and the Communist Party and met with NAM to discuss how to curtail the NLRB. According to a perceptive reporter for the *Christian Science Monitor*, Dies set about planning to take advantage of a "rising distrust of foreign ideologies" and his conservative colleagues' desire to "neutralize" the La Follette Committee. Willing to add fuel to an incipient Red scare, the Dies Committee adopted the tactics of its senatorial nemesis in an ideological version of fighting fire with fire.¹⁰

While their new rival prepared for its first hearing, the La Follette Committee and the NLRB took an even more combative stance. In an attack on NAM and Sokolsky, during hearings in June 1938, the La Follette Committee accused NAM of organizing civic progress meetings without disclosing their sponsorship. The NLRB's decision to certify the ILWU as the bargaining agent for all Pacific ports constituted another outrage in the view of irate employers and their newspaper allies. William Green, the AFL president, ascribed the decision to a pro-CIO bias that allowed the "Communist" Bridges to wipe out loyal AFL locals. David Saposs, the

NLRB economist, objected to “pseudo-patriotic organizations” and “citizens’ committees” intended to “camouflage” antiunion activities in a pamphlet cowritten with another NLRB staff member just as the La Follette Committee began its investigations into the role of citizens’ committees in the Republic Steel strike. NAM, industrialists, the AFL, and their journalist allies impatiently waited for the Dies Committee to retaliate against what they insisted was a Communist Party–infiltrated CIO, an imperious NLRB, and an inquisitorial Senate committee.¹¹

The Dies Committee started to deliver on NAM and AFL expectations by sending one of its two investigators westward to contact interested parties. Traveling under a fake name and keeping in the shadows, Edward Sullivan stopped in Chicago to meet with Harry Jung, an intelligence operative tied to the *Chicago Tribune*’s publisher, to acquire a list of Pacific coast contacts. Jung’s list included William Hynes of the Los Angeles Police Department’s (LAPD’s) Intelligence Bureau; Harper Knowles, then briefly serving as executive secretary of Associated Farmers; Ralph Van Deman, the retired former Military Intelligence Division head and coordinator of a California-based public–private surveillance network; and Raphael P. Bonham of the Immigration and Naturalization Service. Sullivan arrived in Los Angeles on 1 July 1938 to meet with Hynes, LAPD police chief James E. Davis, Mayor Frank Shaw, Victor McLaglen (an actor concerned about the “radical situation at the film colony”), the head of the California Highway Patrol, representatives of Associated Farmers, and Margaret Kerr, leader of the anticommunist Better America Federation (BAF). On the basis of the initial contacts, Sullivan advised the Dies Committee that he could trace radical activity in the region to the waterfront where Bridges held sway.¹²

Hynes traveled with Sullivan to San Francisco in mid-July to meet secretly with representatives of the Waterfront Employers’ Association, the Industrial Association of San Francisco, the San Francisco police, a Legionnaire hired by the Oregon governor as a special agent to collect intelligence on unions, Jung, and Knowles, who had conducted surveillance on Bridges for the American Legion, San Francisco employers, and Associated Farmers. The participants discussed how to oust the troublesome Bridges from the United States. The Portland police received a request for information and witnesses about Communist Party activities and a list of subversive organizations whose records could be seized by

subpoena. Hynes and Sullivan met off the record in Seattle with Bonham, who had prodded his superiors in the Department of Labor to deport Bridges. Sullivan reported that Bonham described the ILWU leader as the kingpin of the CIO's subversive elements and believed that the hearings could create "public demand so overwhelming for Bridges's deportation that no one could prevent it," by which he meant the obdurate Secretary of Labor, Frances Perkins. After meeting with American Legionnaires, Canadian authorities, an AFL representative, an anti-Bridges witness, David Beck of the Teamsters, and Seattle police, Hynes and Sullivan returned to Los Angeles. Passing along a request from Associated Farmers, the American Legion, and the Industrial Association to the Dies Committee imploring it to subpoena their records to avoid their seizure by the La Follette Committee, Sullivan sent in his final report.¹³ It was clear that Bridges, the La Follette Committee, and the CIO would become major targets.

AFL vice president John Frey was the committee's first major witness. He testified about "red-blooded" efforts to rid "labor organizations of Communist control," citing Bridges as an example of the Communist Party's "foot-hold" in the CIO. Frey offered in evidence a Communist Party membership book allegedly filled out by Bridges. Bridges and his immigration status repeatedly surfaced, indicating his symbolic importance as a multivalent target of the committee which cast Perkins as a subversive New Dealer shielding an undesirable alien. Frey offered to confer "privately and confidentially" about his sources which he could not openly discuss. Like the Dies Committee's secret executive sessions, the refusal to identify sources of knowledge enhanced the dramatic effect of revelations. Frey's testimony reflected the AFL's involvement with the National Civic Federation, which began conducting surveillance on radicals in 1907, and its view of Communists as conspiratorial rivals.¹⁴

Issuing a press release about "unchecked Communist activity on the West Coast" and blaming Bridges for strife, murder, and kidnapping, Sullivan testified that "all phases of radicalism" ran "rampant among the studios of Hollywood" but also penetrated educational institutions and entrapped impressionable young people in Los Angeles. San Francisco was another "hotbed of Communistic agitation." La Follette investigators attended the hearings to jeer and remind the media about Sullivan's sordid past as an industrial spy. A CIO political action group branded Sullivan an

anti-Semite and described another Dies witness as a convicted felon. Embarrassing publicity strengthened the committee's determination to retaliate against the La Follette Committee and the CIO.¹⁵

Other Dies witnesses elaborated on the dangers allegedly threatening California. On the basis of her eighteen years at the BAF, Kerr testified about her investigation of Bridges and what Dies referred to as "subversive activities throughout California." She presented an affidavit from an ex-Communist declaring that Bridges used the alias of Dorgan in his Communist Party activities. She also accused Saposs of Communist Party links. Kerr presented herself as a patriot rather than a representative of what the NLRB economist had denounced as a business-sponsored front organization. The BAF's sources of financial support went unmentioned, as did its cooperation with the LAPD's Intelligence Bureau and Van Deman's surveillance network. Tales of radical conspirators running rife in California attracted lavish media coverage but also directed the attentions of the NLRB and the La Follette Committee to targets for countersurveillance.¹⁶ The duel between the two committees entered a new phase in which Bridges featured as the object of a concerted campaign to force his removal while the La Follette and NLRB investigators sought to expose the ulterior motives of his enemies, including the Dies Committee.



Margaret A. Kerr, spokesman for the Los Angeles Better American Federation, on 18 August 1938, just before the Dies Committee went into secret session to hear her testimony on the communistic connections of the CIO labor leader. Harris and Ewing Collection, Prints and Photographs, Library of Congress, LC-DIG-hec-24963.

Rivalry in Public and Private

Observant journalists noted the mutual antipathy between the investigative committees. Dies told the press he had rejected an offer of a staff member from the La Follette Committee fearing sabotage. Staff investigators conducted mutual reconnaissance, criticized the conduct of the rival committee, and, in one sensational incident, an ex-La Follette investigator reputedly tried to smear Dies using forged letters. Describing the rivalry as one of the “bitterest, behind-the-scenes controversies in Washington today,” a journalist credited La Follette with giving those accused by witnesses a fair hearing in contrast to the Dies Committee’s irresponsible methods. The House committee gave those stigmatized as communists or “alleged sympathizers” no opportunity to defend themselves as any denials became “swamped by the newer, hotter testimony” garnering “more attention, more headlines and more newspaper space” than its conscientious rival. The Dies committee served up a plentiful diet of anti-CIO red herrings to a receptive

press whose owners faced a challenge from the CIO-affiliated Newspaper Guild. Dies and his media supporters blamed criticisms on un-American propagandists and New Deal hostility. The rancor grew as each committee selected targets based upon the other committee's choice of witnesses. Both committees announced impending investigations in California in 1938, making it clear that they planned to take their rivalry to the West Coast. Bridges was the prize scalp eagerly sought by the Dies Committee while the La Follette Committee intended to protect the CIO and its leadership.¹⁷

The La Follette Committee's greater attention to process cost it vital media attention in the competition with its more reckless competitor, but the two senators and their staff had reason for caution. Abt's status as a closet communist made it particularly important to prevent attacks like those causing the NLRB's fight for survival. He stressed "procedural safeguards," which a reporter also attributed to La Follette's being "almost pedantically careful to protect the civil liberties of his witnesses" and to collect "great masses of documentary and endlessly confirmed oral proof." La Follette's willingness to allow witnesses to bring counsel prevented the kind of headline-grabbing accusations that the Dies Committee actively promoted. Debates between witnesses enabled the truth to emerge, in La Follette's view, in contrast with the Dies Committee's receptivity to poorly substantiated character assassination.¹⁸ The plentiful volumes of hearings and reports published by the La Follette Committee showed painstaking attention to amassing credible evidence, but many were unwilling to wait for their slow appearance in print or to absorb their extensive detail.

Despite its punctilious approach, the La Follette Committee found itself accused of engaging in what Joseph P. Kamp, a reluctant witness, referred to as a "Russianized invasion of American liberties." Indignant after the exposure of his NAM connections, Sokolsky accused the committee of smearing and the NLRB of Star Chamber proceedings for its criticisms of U.S. corporations. Sokolsky engaged in his own version of smearing by criticizing the "curious young lawyers" working for the NLRB who "talk Marxist doctrines while they conduct investigations" and referred to an "alien-talking examiner" who wanted to prevent the hiring of labor spies. Later he falsely assailed the La Follette Committee for failing to ensure the right to counsel in order to portray the two senators as hypocrites. A Dies witness claimed that the La Follette staff had threatened him when he refused to give them the names of Legionnaires engaged in vigilante

activities. A Detroit autoworker stated that two NLRB staff members had asked him to join the Communist Party and offered him a “good looking girl” as an inducement while another witness claimed the investigators had forced him to confess to snooping on them. By the end of the first three months of hearings, a *Wall Street Journal* columnist gloated over the Roosevelt administration’s visible irritation at the “public picturing of the Communist-C.I.O. link” convinced that the Dies Committee had counterbalanced La Follette’s “prejudiced witnesses” while alerting the public to the “dangerous” alien, Harry Bridges.¹⁹ The La Follette Committee, the CIO, and the NLRB remained punching bags for the probusiness press and the Dies Committee, who failed to admit procedural flaws in its publicity-generating proceedings.

While the two committees duelled in Washington, the *Los Angeles Times* reported on the NLRB’s investigations of its city’s business coterie in which Chandler was a major backroom operator and informed its readers about CIO inroads into the city’s industries. It also had to confront a scandal that had engulfed the LAPD Intelligence Bureau and the mayor, Chandler’s political crony. In March 1938 the *Los Angeles Times* carried a warning from the NLRB to Los Angeles business organizations and their third-party groups, the Neutral Thousands and Southern Californians, Inc., about the risks of “aiding and abetting employers in violating” federal labor laws. It discussed the victory for the Screen Writers’ Guild in an election under NLRB auspices and the NLRB intervention in disputes between unions as “Hollywood’s pot of motion-picture union unrest boiled over.” A report about the La Follette research director’s imminent arrival to consult with the NLRB about starting its own investigations made the situation even more dire for a newspaper whose owners had campaigned for the open shop for almost fifty years.²⁰

An uproarious meeting in Los Angeles in August 1938 increased the apprehension for Chandler and the *Los Angeles Times* just as the mayor faced a recall election arising from accusations of corruption. Holding its first convention in California, the CIO elected Bridges as the chairman in what the *Los Angeles Times* described as a “riot of handclapping, foot-stomping, whistling and cheering.” Setting out goals for 1939, Bridges promised to “march inland” to organize agricultural workers “under the banner of the C.I.O.” according to the newspaper. It quoted a Montana congressman’s condemnation of “all this bologna and hue-and-cry about

Communism” by reactionaries designed “not only to deport Bridges but to sabotage the labor movement.” A CIO official, often accused of Communist Party sympathies, described Dies and Frey as trying to smear militant labor unionists. The convention denounced labor spies, racial discrimination, and employer tactics as it endorsed better legislative protection for unions. For devotees of the open shop like Chandler and California agribusiness, the convention offered still more reason to urge Dies to launch investigations in California.²¹

J. B. [Joseph Brown] Matthews rescued the embattled Dies Committee. The repentant ex-fellow traveler testified at Sokolsky’s recommendation. Matthews boasted about his “intimate and extensive knowledge” of Communist Party “front activities.” Matthews linked the Communist Party to progressive groups and the CIO, describing liberals as “fellow travelers.” When asked whether he knew Bridges, Matthews recalled a union official advising him that the Communist Party exerted a “direct hold” over the CIO leader who could “paralyze” shipping in a “national emergency.” His testimony added Los Angeles attorneys associated with the NLRB and the ACLU to the lengthening list of subversives.²² Matthews gave California a reddish tinge while impressing Dies with his deft performance.

Matthews testified again in November, telling the Dies Committee that “ethical revulsion” had caused him to cut ties to the Communist Party. He remembered hearing about Bridges during his fellow-traveler phase in the early 1930s. Turning his attention to the NLRB, Matthews indicated that he did not know that Saposs belonged to the Communist Party but his wife certainly did. Another appearance in December strengthened the case against Saposs and the NLRB. Matthews was a godsend for a committee needing to counter criticisms of its failure to distinguish between disloyalty and divergent views. In the following year he became research director, ensuring that the Dies Committee selected targets that benefited NAM and embattled employers, including the Hearst Corporation, which soon featured Sokolsky’s column in its newspaper chain.²³

Investigating Bridges

The Dies Committee heard testimony from the chosen representative of the group Sullivan had secretly met in July. Knowles presented himself as the chairman of the American Legion’s radical research committee in

California, leaving unmentioned his surveillance activities for antiunion employers. He and his counsel, Ray E. Nimmo, detailed their case against Bridges and the situation in the maritime industry, describing their evidence as collected by Legionnaires outraged by the “serious disturbance in California” in 1934. The nine police chiefs, law enforcement officers, and businessmen wanted to document “schemes which are contrary to our theories and doctrines of government.” Knowles recommended the impeachment of Perkins for “coddling alien criminals” and explained that the Communist Party had selected California agriculture as a battleground because of its vulnerability. Threatening the national food supply was the goal of Bridges and “communist farm agitators” engaged in organizing farm and cannery workers.²⁴



Ray P. Nimmo (left) and Harper Knowles (right), American Legion, on 24 October 1938. “Harper Knowles, right, chairman of the Radical Research Committee of the American Legion, and Ray Nimmo, counsel for the same committee, pack up their mass of evidence after charging before the House Committee investigating Un-American activities that Harry Bridges, Labor Leader, is an out-and-out member of the waterfront section of the Communist party.” Harris and Ewing Collection, Prints and Photographs, Library of Congress, LC-DIG-hec-25229.

Unwilling to listen impassively, members of the Dies Committee frequently interjected their own views. On the pretense of asking for Nimmo's legal expertise, Dies asked the attorney whether an alien who posed a threat to national security qualified for deportation. The chairman cited evidence in the possession of the Department of Labor, presumably collected by Bonham, that proved Bridges was hostile to national defense. Seeing U.S. battleships at anchor, Bridges had allegedly vowed that "we will see the day when we can sink those damned things because they are the enemies of the workers," according to the anonymous witness whom Dies quoted. Congressman Joe Starnes prompted Knowles and Nimmo to agree with his claim that Bridges was the instigator of a "reign of terror" who ruthlessly used "sabotage, terrorism, and crimes involving moral turpitude" to topple "legitimate" labor leaders. Nimmo agreed that Bridges sought to "bring about a state of chaos, which is typically communistic." Citing evidence that evidently came from Oregon and California sources, Knowles portrayed the "radical leader" as a "disintegrating force in California's economic life" who connived in a Communist plot to take over the Democratic Party. Egged on by the Dies Committee, Knowles and Nimmo depicted Bridges as the personification of the Red menace.²⁵

Dire warnings about "Communistic conspirators" from the *Los Angeles Times* could not save the corrupt Mayor Shaw from a recall election and defeat at the hands of a reforming judge, who disbanded the scandal-ridden LAPD Intelligence Bureau and demoted Hynes. The defeated Republican candidate for California governor added his own predictions of terrible consequences if "a half-caste Socialistic-Communistic machine" with the "alien Bridges lurking in the background" took power in Sacramento. Neither the testimony by Knowles and Nimmo nor the ominous political forecast prevented Democratic victories for governor and lieutenant governor in California. The Dies Committee received credit, however, for conservative victories elsewhere in the midterm elections as a result of its allegations about Communist Party infiltration in the CIO and the New Deal.²⁶ Congressional conservatives relished the electoral rebuff of Roosevelt's efforts to defeat leading opponents. The Dies Committee expected more generous funding from a grateful House pleased that it had seized the media limelight from the La Follette Committee.

By contrast, in California the leftward political direction and the CIO's organizing drive caused industrialists and their allies to go on high alert as

radicals like Carey McWilliams, a Los Angeles NLG member, ACLU attorney, and occasional NLRB examiner, gained positions in the state government. Associated Farmers, the Industrial Association, the BAF, and the American Legion worked with the Office of Naval Intelligence, Military Intelligence Division (MID), and law enforcement to overcome the loss of the LAPD as a vital part of the Van Deman–coordinated surveillance network. Network members urged the Dies Committee to come to California to combat the CIO threat. On the left, groups like the Samuel J. Lubin Society, whose members included McWilliams, Bridges, and his attorney, Aubrey Grossman, identified the network as using anticommunism to disguise their anti-CIO agenda. Calling upon the La Follette Committee to investigate antiunion activities in California, the CIO and the Lubin Society sought exactly what their opponents feared.²⁷

The Hunters Become the Hunted

The La Follette Committee dispatched seven investigators to San Francisco and Los Angeles. A female informant, planted at La Follette staff offices in San Francisco, kept Knowles informed about committee investigations and contacts with Bridges. The La Follette staff shared useful documents with the ILWU leader's defense attorneys, Grossman and Richard Gladstein, as they prepared for an attempt to deport their client. She reported to Knowles the jubilant celebration over serving a subpoena on him and Associated Farmers for a forthcoming hearing. She carefully detailed the staff's analysis of files obtained from Associated Farmers, the Waterfront Employers, and other San Francisco employers. The investigators had also gained access to the previous governor's correspondence with a spy who had supplied him with inside information during the 1934 waterfront strike and for several years afterward. She even reported a La Follette staff member's warning about being watched. In Los Angeles the newly elected mayor gave La Follette investigators access to the LAPD Intelligence Bureau records, where they found evidence of collusion between Hynes, Associated Farmers, and other antiunion employers. LAPD records soon reached Gladstein and Grossman. Despite these promising developments, Knowles, Associated Farmers, and other business interests secured a reprieve when a funding shortfall resulted in closing down the La Follette committee's California operations early in 1939. NLRB attorney David

Sokol, an NLG member, took over the research.²⁸ When the Dies Committee sent investigators to California later in 1939, the La Follette Committee could not immediately respond as senators pondered the implications of the midterm elections on efforts to strengthen protections for union organizing.

The duel continued in Washington. Getting a new appropriation in 1939, the Dies Committee forced Perkins to defend herself against the accusation that she had protected Bridges from deportation. Simultaneously denying and publicizing the widespread belief among NAM and corporate contacts that Perkins was a Red, Sokolsky urged her removal to reassure employers. The drive for impeachment ended in failure, but a pressured Perkins organized a deportation hearing for Bridges. Attempting to regain lost ground, La Follette and Thomas introduced legislation in the Senate to outlaw “oppressive labor practices,” including antiunion espionage, strikebreakers, armed guards, and the industrial use of munitions in labor disputes. The two senators gained an unexpected boost when John Steinbeck’s *Grapes of Wrath* became a bestseller. Stirring the conscience of readers, Steinbeck gave La Follette and Thomas a new rationale for investigating antiunion strategies in California. Although the Dies Committee still had the upper hand, the two senators seized the opportunity to lobby for funding for the investigations abandoned earlier in the year.²⁹

While La Follette and Thomas sought legislation and funding, the Dies Committee arrived in California. Dies appeared at the Hollywood Bowl in a patriotic rally organized by the American Legion and met with Hollywood producers to discuss communist infiltration in the industry. Two committee investigators traveled to Los Angeles to discover how an investigative journalist had secured records from the disbanded LAPD Intelligence Bureau. They decided that his source was the NLRB. While in Los Angeles, they gathered intelligence on potential targets from the BAF and other parts of the surveillance network, located potential witnesses, and then headed to San Francisco in early July to attend Bridges’s deportation hearing expecting to witness a favorable decision.³⁰

Given an additional boost by the publication of Carey McWilliams’s *Factories in the Field* in July 1939 documenting the use of vigilante terrorism against farmworkers, the La Follette Committee finally received additional funding in August. Its staff resumed planning hearings for Los Angeles and San Francisco with the goal of expanding NLRB protections to

agricultural unions. The Dies Committee staff feverishly searched for plausible witnesses about California Reds and welcomed the formation of the Smith Committee to investigate the NLRB. The committees prepared for duels in California and Washington while the NLRB braced for the expected onslaught from the new House special committee.³¹

As an unusually perceptive *Los Angeles Times* observed, the deportation hearing for Bridges, beginning in early July, constituted a “sub-clash” between the Dies and La Follette committees even though only Dies investigators attended. The defense team announced that it would prove an antiunion conspiracy organized by Knowles, police, employers’ organizations, patriotic groups, and Bonham that had paid “labor spies and felons” to lie about Bridges. Armed with documentation from La Follette investigators and the NLRB, the defense team prepared dossiers on likely prosecution witnesses to impeach their credibility. Having surreptitiously acquired incriminating information from his office files and LAPD records, the defense team issued another subpoena to force Knowles to testify in a replay of the aborted La Follette Committee effort earlier in the year.³²

Questioning Knowles for three days, the defense team exposed his involvement in the surveillance network that had provided the prosecution’s evidence against Bridges and used “improper inducements” to secure testimony from witnesses. The defense particularly emphasized the central role in the conspiracy played by the Oregon special agent previously investigated by the La Follette staff. One attorney pointedly referred to Knowles’s testimony to the Dies Committee to accuse him of participating in an employerinstigated vendetta against Bridges. The introduction of correspondence between Knowles and other alleged coconspirators, especially Hynes, created what an 11 August report in the *Los Angeles Times* described as a “stir in law enforcement circles” as Knowles and other members of his surveillance network sought to determine the source. The information that Hynes had worked for Associated Farmers while on leave from the LAPD discredited his motives for participating in what became described as an attempted frame-up of Bridges. Speculation about how the defense attorneys had acquired incriminating letters induced Bridges to claim that pro-union Legionnaires had taken the items. Emploters and media hostile to Bridges accused the La Follette Committee staff or its NLRB surrogate of filching the documents. To the chagrin of those who had eagerly anticipated the deportation of Bridges, the trial examiner agreed

with the defense attorneys that the prosecution's witnesses were "self-confessed" liars, prone to "evasions," and completely untrustworthy, judgments that the *New York Times* quoted in extensive detail. Bridges, on the other hand, impressed the examiner, the dean of Harvard Law School, with a forthright avowal of his beliefs.³³ The surveillance network and the Dies Committee had lost their first California battle but continued the campaign to remove Bridges and curb the CIO.

Meanwhile, in Los Angeles, the NLRB filed charges against employers and so-called citizens' organizations—the Neutral Thousands, Southern Californians—and their covert sponsor, the local NAM equivalent. Among the NLRB charges, Sokol included company unions, spying on employees, antiunion propaganda, and hiring strikebreakers. The hearings revealed that the Associated Farmers operated as a front group for powerful economic interests in California. During the interrogations, Sokol's dual role as La Follette investigator and NLRB attorney formed the basis of a defense counterattack that a demand for employer's records constituted a fishing expedition for the Senate committee.³⁴

Armed with intelligence collected by its investigators and the NLRB, La Follette and Thomas prepared to expose California employers' illegal antiunion tactics. The opening of hearings in late November 1939 attracted both critical and sympathetic media commentaries. Sokolsky accused the La Follette Committee of falsely interpreting the files seized from "respectable and responsible" U.S. business associations to reach incorrect conclusions presented to the "public as though they were true." Richard Strout contrasted the La Follette Committee's effort to the Dies Committee's cavalier acceptance of accusations "difficult to substantiate." In a contrary view published in the *Los Angeles Times*, the Senate committee planned to exploit Steinbeck's "strong propaganda" and the "angry bias" of McWilliams to cast an unwanted spotlight on California agriculture based upon "careless documentation" and "communistic preachment." Another outraged critic in the *Los Angeles Times* called the hearings an unconstitutional "invasion" of California by an "impudent bureaucracy" determined to put a "halo of martyrdom on radical agitators and a stigma of selfish tyranny" on the state's farmers. To the consternation of Associated Farmers and its allies, Steinbeck, McWilliams, and Dorothea Lange's haunting images in *An American Exodus* had enabled an unwanted probe into covert methods for resisting unionization.³⁵

Testimony by Governor Olson conceded that “civil liberties have been violated in California beyond all question,” which angered Associated Farmers gathered in nearby Stockton for its convention. Although Olson criticized “ultra-militant” union organizers, his testimony focused on hostile actions undertaken by farmers, the recruitment of vigilantes, and their refusal to engage in collective bargaining. Admitting a lack of neutral law enforcement, Olson pledged that California state police would protect workers’ rights, and, if necessary, the National Guard would ensure that the “laws are equally and impartially enforced” in the future. He called upon federal authorities to guarantee decent treatment for migrant workers. Associated Farmers immediately accused him of trying to intimidate local officials enforcing the law against “radical elements.” Rather than farmers, CIO “gangsters” had committed acts of “vigilantism.” Giving the NLRB oversight over agricultural labor would give control to CIO “racketeers” like Bridges who was trying to orchestrate a statewide dictatorship. The new president spoke in warlike terms about “radical dictators” in a battle the *Christian Science Monitor* framed as one between Harry Bridges, the CIO, and a powerful employers’ association.³⁶ No longer able to rely upon the governor’s support and state police, Associated Farmers maintained its staunchly anti-CIO hardline position.

At the hearing, a former Associated Farmers president accused La Follette of giving “aid and comfort to the Communists by trying to smear the farmers and law enforcement officers of California.” La Follette calmly responded that he was carrying out Senate instructions to conduct the investigation impartially. Photographs of a gun battle in Stockton in 1937 supplemented the testimony of a deputy sheriff who detailed tear gas, carbines, clubs, and pick-handle purchases to break a cannery strike. The Associated Farmers came under intense questioning about the sources of almost \$200,000 used to fight unions. In the view of the *New York Times*, the hearings confirmed an accusation made by Bridges that Associated Farmers was a front group for major California corporations. The *Christian Science Monitor* believed that La Follette could help California solve its labor problems, but the *Los Angeles Times* blamed him for failing to investigate CIO goon squads who violated the civil liberties of nonunion workers.³⁷ Both sides prepared to resume the fight in the new year.

When the hearings resumed in Los Angeles in January 1940, the *Los Angeles Times* grudgingly conceded La Follette’s ability to “pour thousands

of words into the record,” question dozens of witnesses, and examine scores of exhibits in rapid succession, but the *Chicago Tribune* deplored the tendency to “browbeat and bedevil” witnesses as part of what it called a “march of tyranny.” Hynes testified about the LAPD Intelligence Bureau and the financial support received from businessmen for its activities. Rowdy spectators hooted at the claims made by a Southern Californians official that it had formed to protect the civil liberties of employers and nonunion workers against “Communists, radicals, and labor racketeers.” Later in San Francisco, the committee heard testimony from McWilliams about the plight of migrant workers. The *San Francisco Chronicle* admired La Follette’s investigative skill in uncovering employers’ secret strategies. In the view of Strout, however, a deplorably small number of eastern newspapers covered the provocative hearings because they concentrated on the war in Europe.³⁸ A growing focus on the global conflict had diverted attention from the need for improved protections for agricultural workers.

The Anti-CIO Counteroffensive

The Soviet-German Non-Aggression Pact in August 1939 aided NAM’s side of the conflict by intensifying suspicions that CIO-sponsored strikes could deliberately cripple the defense industry to benefit the Soviet Union and Nazi Germany. Roosevelt and Jerry Voorhis, a 1939 addition to the Dies Committee, worried that strikes could endanger U.S. preparation for a global conflict. Taking advantage of these fears, Dies dramatically warned about “enemies within,” causing an admiring *Chicago Tribune* to dub him “Crusader for America.” Committee investigators combed through Los Angeles plants, sometimes reporting to Voorhis, seeking signs of Communist Party and pro-Nazi sabotage. Meeting in secret session in mid-July 1940, the committee heard allegations of Communist Party links against actors, screen-writers, and directors from a witness who had testified against Bridges in the deportation hearing and from Knowles. An ex-Communist, the witness blamed the Communist Party for strikes, identified the lieutenant governor as a member, and implicated Bridges in a plot to take control of the aircraft industry, shipping, and communication. Leaks about this testimony surfaced in the press. After interviewing Humphrey Bogart, Frederic March, James Cagney, and screenwriter Philip Dunne in secret session in August 1940, Dies magnanimously cleared them

of suspicions of Communist sympathies even as the Los Angeles district attorney organized a grand jury to hear the same witness who had failed to convince Dies of his allegations. Dies hammered home his anticommunist message with the publication of *The Trojan Horse in America*, ghostwritten by Matthews. In the midst of war-induced hysteria about saboteurs, La Follette faced daunting obstacles to the passage of legislation outlawing industrial espionage.³⁹

Dies gained additional support from the special committee investigating the NLRB and Franklin Roosevelt, whose priorities had shifted to war preparations instead of protection for militant industrial unionists. Howard W. Smith, a leader of congressional conservatives, took charge of an investigation into the NLRB. The *Chicago Tribune's* headline, "Reds Infest the NLRB," captured the tenor of the Smith Committee's investigations into NLRB staff. Convinced of the danger of a fifth column, Roosevelt transferred the Immigration Service to the Department of Justice in June 1940. Sponsoring a new bill to tighten controls over aliens, Smith assured House colleagues that the Alien Registration Act (the Smith Act) empowered Justice to deport Bridges by making it a federal crime to advocate the overthrow of the U.S. government or belong to any society engaging in such advocacy at initial arrival or "at any time thereafter." Signed by Roosevelt, it expanded the FBI's capacity to conduct surveillance and collect evidence on aliens suspected of disloyalty to strengthen the federal powers of investigation, surveillance, and punitive action. Already on the FBI watch list since 1936 when Roosevelt had secretly authorized surveillance, Bridges became a higher priority target for the agents of a wartime surveillance state.⁴⁰

Bent on curbing the threat of labor militancy at factories and ports, Roosevelt made dramatic changes to the NLRB's leadership, staff, and strategic orientation later in 1940. When his term expired, Edwin Smith did not receive reappointment. A successor more amenable to employer concerns replaced the NLRB chairman battered by Smith Committee denunciations. Identified as Reds during the investigation, three officials resigned. The closure of the NLRB's economic division removed Saposs and staff accused by the Dies and Smith committees. The lawyers characterized as Marxists by Sokolsky left the agency. Bridges, convicted in a Smith Act trial in early 1941, remained in legal limbo until the Supreme Court overturned his conviction.⁴¹ Although Smith and Dies had neither

destroyed the NLRB nor deported Bridges, they had weakened the opposition to their anti-CIO agenda aided by a war-minded president.

The United States had entered the war by the time the La Follette Committee published its first volumes of testimony produced in the California hearings. The reports detailed obstructionist tactics, manipulation of civic organizations, employer use of “front” organizations, covert surveillance, and the use of vigilantes but had not persuaded Congress to extend NLRA protections to agricultural workers. When the final report appeared in 1944, Associated Farmers dismissed it as a “Communist-inspired” smear and the *Los Angeles Times* described it as a “rehash” of “old stuff.” The La Follette Committee’s report lacked “novelty,” sneered the antiunion newspaper.⁴² Unfortunately for the La Follette Committee, the warfare state had replaced the reformist New Deal welfare state.

Although a CIO challenge prevented Dies from running again in 1944, La Follette could hardly claim victory over his conservative rival. The House and Senate committees had effectively fought each other to a standstill. Bridges survived two more attempts to imprison or deport him, but the CIO suffered enormous damage during the intense phase of the Red scare that followed the war. Commenting on the “ironic continuity” of his career, Abt described investigating stool pigeons for the La Follette Committee in 1936. After the Smith Act expanded FBI powers, Abt spent the later stages of his career defending clients against government-funded stool pigeons. Other historical ironies require attention. Joseph McCarthy defeated La Follette and Voorhis lost to Richard Nixon in 1946. Republican success gave NAM the Taft-Hartley Act, which weakened the NLRA, an energized HUAC pursued the Dies Committee’s targets, and Sokolsky and Matthews taught McCarthy how to hunt Reds.⁴³

The dueling committees mirrored each other in their reliance upon covert intelligence-gathering and public exposure, but so did employers and labor organizations. The conflict involving the NLRB and three investigative committees demonstrated how employers, ostensibly fervent advocates of a limited state, relied upon government allies. A public-private surveillance partnership used anticommunism to damage the NLRB and the CIO while their targets defended civil and social rights. Deploying front groups, propagandists, undercover agents, and vigilantes, employers’ tactics resembled those ascribed to the Communist Party in anticommunist diatribes. Employers could thank NAM, conservative Republicans and

Democrats, and the early Cold War for weakening the labor movement but also owed a debt to the AFL and federal- and state-based allies who built with them a powerful anti-CIO counteroffensive.

Notes

1. Formed in 1935, the Committee for Industrial Organization evolved into the Congress of Industrial Organizations in 1938. CIO refers to the two successive organizations as does Robert H. Zieger, *The CIO, 1935–1955* (Chapel Hill: University of North Carolina Press, 1995).

2. The most useful scholarly analysis of the sustained effort to deport Harry Bridges is Stanley Kutler's chapter, "'If at First ...': The Trials of Harry Bridges," in Kutler, *The American Inquisition: Justice and Injustice in the Cold War* (New York: Hill and Wang, 1982), 118–51, which does not discuss the role of the La Follette Committee or the rivalry between private–public surveillance networks that contributed to the failure to deport Bridges.

3. Jennifer Luff, *Commonsense Anticommunism: Labor and Civil Liberties between the Two World Wars* (Chapel Hill: University of North Carolina Press, 2012); Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton, NJ: Princeton University Press, 2013).

4. Edwin S. Smith quoted in Louis Stark, "Says Fight on Reds Is Aimed at Labor," *New York Times*, 24 April 1936, 7; Gilbert J. Gall, "Heber Blankenhorn, the LaFollette Committee, and the Irony of Industrial Repression," *Labor History* 23, no. 2 (Spring 1982), 246–53; Storrs, *Second Red Scare*, 56; James A. Gross, *The Making of the National Labor Relations Board: A Study in Economics, Politics, and the Law* (Albany: State University of New York Press, 1974), 1: 171–88; Jerold S. Auerbach, *Labor and Liberty: The La Follette Committee and the New Deal* (New York: Bobbs-Merrill, 1966), 83.

5. Jerrold S. Auerbach, "The La Follette Committee and the C.I.O.," *Wisconsin Journal of History* 48, no. 1 (Autumn 1964), 3–20, 3–4; Chesly Manly, "Hits Roosevelt Failure to Aid in Red Inquiry," *Chicago Tribune*, 17 October 1938, 1.

6. Abt discussed these methods in John J. Abt with Michael Myerson, *Advocate and Activist: Memoirs of an American Communist Lawyer* (Urbana: University of Illinois Press, 1993), 64, 68. Auerbach, *Labor and Liberty*, 93; "Detective Agency Heads Fail to Appear" *Wall Street Journal*, 22 August 1936, 2; "Labor Spies Detail Work to Senators," *New York Times*, 23 September 1936, 26; Gross, *Making*, 222–23; "Law Guild Is Seen in Clash with Bar," *New York Times*, 1 February 1937; "Awning Case Defense Balked," *Los Angeles Times*, 30 April 1940. The records of the law firm Gladstein and Grossman, in the Norman Leonard Collection, Labor Archives Research Center, San Francisco State University, San Francisco, California, provide insight into the leftist legal network.

7. Sidney Olson, "S.R.O. Sign Out at Senate Hearings," *Washington Post*, 25 April 1937; "Senate Group Uses 'Big Stick,'" *Chicago Tribune*, 25 August 1936; "Dictatorship on the March," *Chicago Tribune*, 21 September 1936; "La Follette's Civil Liberties Masquerade," *Chicago Tribune*, 18 November 1938.

8. Harry Carr, "Strike's End," *Los Angeles Times*, 20 July 1934; "Bridges' Ambitious Plans," *Los Angeles Times*, 19 December 1936.

9. Sokolsky's NAM activities are documented in Folder 19, Box 90, and Folder 6, Box 257, George E. Sokolsky Papers, Manuscripts, Hoover Institution, Stanford University, Stanford, CA [hereafter Sokolsky, Hoover]; Typical articles include George E. Sokolsky, "The Industrial Front," *Atlantic Monthly*, March 1937; Sokolsky, "Government by Pressure," *Atlantic Monthly*, June 1937; Sokolsky, "The CIO Turns a Page," *Atlantic Monthly*, September 1937; Sokolsky, "Rackets and Labor," *Atlantic Monthly*, September 1938; Sokolsky, "The United Front Cracked," *Atlanta Constitution*, 23 January 1938; "New Series for NAM," *Broadcasting, Broadcast Advertising*, 15 February 1938; Sokolsky, *The American Way of Life* (New York: Farrar and Rinehart, 1939); "Burke

Calls NLRB a 'Curse' to Labor," *New York Times*, 28 January 1938, 1; "Senate Furthers Inquiry," *Christian Science Monitor*, 20 May 1938; "Anti-Labor Drive Charged to NAM," *New York Times*, 15 August 1938; James A. Gross, *The Reshaping of the National Labor Relations Board: National Labor Policy in Transition 1937–1947* (Albany: State University of New York Press, 1981), 50–55.

10. "A Little Justice," *Wall Street Journal*, 18 April 1938, 4; Luff, *Commonsense Anti-communism*, 154–55, 163–67, 188; Edward B. Talty, "The Uses of Inquiry," *Christian Science Monitor*, 20 January 1940; Harold Weisberg, "Memorandum on the Special House Committee Investigating Un-American Activities," 1940, Harold Weisberg Archives, Hodson Library, Hood College, Frederick, MD,

<http://jfk.hood.edu/Collection/Weisberg%20Subject%20Index%20Files/S%20Disk/Smith%20Committee/Item%20001.pdf>; Storrs, *Second Red Scare*, 58–61; James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933–1939* (Lexington: University Press of Kentucky, 1967), 135, 167.

11. "La Follette Inquisitors," *Wall Street Journal*, 28 February 1938; "A Fight to a Finish," *Los Angeles Times*, 24 May 1938; Louis Stark, "Labor Board Gives C.I.O. Control," *New York Times*, 23 June 1938; Stark, "Labor Ruling May Have Wide Effect," *New York Times*, 26 June 1938; David J. Saposs and Elizabeth T. Bliss, "Anti-Labor Activities in the United States" (New York: League for Industrial Democracy, 1938), as quoted in "Public 'Used' against Labor," *Washington Post*, 18 July 1938; Louis Stark, "Third Parties Used," *New York Times*, 22 July 1938; Paul Mallon, "Unpatriotic Groups," *Hartford Courant*, 30 July 1938; Gross, *Reshaping*, 56–59; "The Democrats and Another Red October," *Chicago Tribune*, 10 August 1938; Louis B. Silverberg, "Citizens' Committees: Their Role in Industrial Conflict," *Public Opinion Quarterly*, 5 March 1941, 17–37.

12. Informant Reports, 25 June 1934–20 October 1934, in Box 1, California Surveillance, Harper Knowles Papers, Labor Archives, San Francisco State University, San Francisco [hereafter Knowles, SFSU]; and the following items in folder "Edward F. Sullivan," Box 11, Member and Staff Correspondence 1938–1944, Special Committee on Un-American Activities, RG233, National Archives, Washington, DC [hereafter Dies, NA]; report, Edward F. Sullivan, 28 June 1938; report, "Number Two," "Report #1," 2 July 1938; report, "Number Two," "Report #2," 3 July 1938; report "Number Two," 6 July 1938; report, "Number 2," 7 July 1938; report, "Number 2," 8 July 1938; Edward Sullivan, "Report on Trip to San Francisco, Portland, Seattle, and Return," 27 July 1938; Simon James Judkins, "Under Prying Eyes: Repression, Surveillance and Exposure in Southern California, 1918–1939" (masters' thesis, Victoria University of Wellington, New Zealand, 2014), 138.

13. Letter, Robert Stripling to "Tom Brown," 8 July 1938; letter, Robert Stripling to "Tom Brown," 13 July 1938; letter, Martin Dies to "Tom Brown," 14 July 1938; Sullivan quoted R. P. Bonham in "Report on Trip," 27 July 1938; memorandum, Edward Sullivan to Robert Stripling, 27 July 1938; letter, William F. Hynes to Robert Stripling, 28 July 1938. See also "Data Burning," *Los Angeles Times*, 1 July 1938, Box 11, Dies, NA; letter, William D. Brown, Detective 44, to Captain J. F. Keegan, Portland Police Department, 20 July 1938, Los Angeles Police Department Radical Squad, Exhibits, Evidence, etc. Re: Committee Investigations, Box 49, Dies, NA; William F. Hynes, Expense Report 17–25 July 1938, folder "Captain William F. Hynes, Los Angeles, California"; report from E. Raymond Cato, Los Angeles Police Department Radical Squad, Exhibits, Evidence, etc. Re: Committee Investigations, Box 47, Dies, NA.

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6 The Strange Career of A. A. Ahner

Reconsidering Blackjacks and Briefcases

ROSEMARY FEURER

In August 1935, Joseph Madden wrote from St. Louis to the president of the Boot and Shoe Workers Union in Boston to tell of his failed attempts to organize the remote Missouri and Tennessee factories of the Brown Shoe Company in St. Louis:

I was forced to leave the assignment and the cities of Union City, Tennessee, and Caruthersville, Missouri, when visited by a committee of business men in Union City. This Committee is known as the young men's business association but they are the law in this city and are better identified as the vigilantes. They forced me to take a ride over the line into Kentucky where they dropped me, and informed me they would not permit union organization. ... Upon my arrival in Caruthersville, (Missouri) ... I was taken to jail by an officer of the law, who informed me that this was not an arrest, but that I could take my choice, I could either leave town or be arrested and have a charge placed against me, and he assured me that the charge would hold water. The Law and Power of Caruthersville had decreed that I was to leave in twenty minutes or take the consequences. ... The officer ordered a taxi, and I was again forced against my wishes to leave. They transported me to the isolated small town of Hayti, Missouri, where I was forced to stay until I could get transportation back to St. Louis. There is no protection for a union organizer in that part of the country, so when we send an organizer there he must be protected in every possible way.

Madden concluded that the newly enacted National Labor Relations Act (NLRA), which guaranteed workers the right to organize unions and bargain collectively, had made no difference. Workers "would join if they were permitted to exercise the freedom given to them by the Wagner Labor Rights Bill. But they must accept the dictates of the one class who run things to suit themselves or be put on the spot and starve. This is the worst

condition that I have ever met during my thirty-five years as a wage earner.”¹

These incidents caught the attention of liberal New Deal government officials, who used them to trumpet the need for strong enforcement of the NLRA. David Shaw, attorney for National Labor Relations Board (NLRB) in the St. Louis regional office, urged that the case be used to prove the federal government could guarantee freedom of speech and assembly. “There is here,” he declared, “a record of espionage, violence, fascism, and intimidation which has resulted in the complete destruction of 8 local unions, comprising a membership of 9000 people.”²

The Brown Shoe case hearings produced the shock that Shaw anticipated with dramatic testimony on the common use of labor spies and stool pigeons.³ NLRB staff member Heber Blankenhorn wrote excitedly about “what a big case it is getting to be.” He reported that Shaw “has laid ... an amazingly sweeping indictment of the system of ‘union busting.’” As a young journalist, Blankenhorn had exposed the brutal repression of the steel strike of 1919 but found that nothing had come of it. Now he had another chance: The testimony “promises to be sufficient ground for the NLRB’s demand on Congress for an investigation.”⁴

Indeed, the Brown case was a catalyst for the creation of the U.S. Senate Civil Liberties Committee, commonly known as the La Follette Committee after its chairman, Senator Robert La Follette Jr. of Wisconsin. In seventy-five volumes of hearings and twenty-one reports dating from 1936 to 1940, the committee documented employers’ abuse of workers’ rights, highlighting the use of labor spies and thugs as their instruments. Blankenhorn believed the La Follette investigations “struck directly at the latent fascism in American capitalism.”⁵

The Albert A. Ahner Detective Agency, Brown Shoe’s antiunion operative, was the La Follette Committee’s premier thug agent, representing the underhanded nature of employer espionage systems. As Blankenhorn explained in framing his testimony before the Senate committee, Ahner was the prime example of two hundred agencies that “operate in every part of the country and in every industry.”⁶ While Ahner’s six hundred twenty cubic feet of records were destroyed before the La Follette Committee could access them, investigators were able to piece together the outlines of his operations, headquartered in St. Louis. Blankenhorn called Ahner’s

agency and its associate organization, Industrial Investigators and Engineers, “the biggest thing of the kind in the Mississippi Valley.”⁷ In an appendix to the first hearings, the Senate attached evidence on a train of abuses and corruption by Ahner, including spying, beatings, attempted murder, lists of weapons, use of leather billy clubs and tear gas, bombings, agents provocateurs, bribes, frame-ups, infiltration, lies, use of ex-convict henchmen, and other unsavory behavior.⁸ Ahner, recently elected chair of the Board of Directors of the World Association of Detectives (an organization that claimed ethical behavior as its hallmark),⁹ was exposed as a practitioner of antiunion thuggery, with an operational apparatus that was repulsive in a democracy, leading to the abuses experienced by shoe organizer Madden. Since Ahner had long been district manager for the Railway Audit and Inspection Company (RAI) until 1929, evidence of his arrest in 1928 with a tear gas billy was used to reveal the violence at the heart of his agency. It also highlighted the connections between strikebreaking agencies and the American Liberty League, organized in 1934 by wealthy businessmen and conservatives to oppose the New Deal. American Liberty League activist Ethan Shepley, Brown Shoe’s attorney, had orchestrated Ahner’s refusal to testify during the Brown hearings, one part of the web of obstruction.¹⁰

Labor historians have considered the La Follette investigations a high point of the New Deal and a key turning point in the history of employer repression. They forced groups like the Pinkerton agency to renounce strikebreaking. Employers could no longer resort to the levels of violence and intimidation they had previously used with private mercenary forces. Robert Michael Smith considers this moment the end of blackjacks and the transition to briefcases, the more sophisticated brand of labor management consulting that emerged marginally after World War II when labor had organized a third of the workforce. The leading example of this new approach was Nathan Shefferman, who designed anti-union services using sweetheart contracts with corrupt unions. Another representative of the turn to briefcases was John Tate, who developed modern briefcase strategies for Wal-Mart. Most accounts date the arrival of these kinds of firms with the rise of the Right after the 1970s.¹¹

And yet we have the seemingly strange case of A. A. Ahner. Ahner, it turns out, was never put out of business by the La Follette Committee.

During the investigations, he morphed into a labor relations consultant even as he was wielding blackjacks. By the end of the 1940s, he was actively dispensing arbitration and conciliation services as well as union-avoidance counseling to businesses in the Midwest. The last image we have of him is in 1955, when he was presenting a car to Father Leo Brown, a priest and arbitrator-conciliator. He did so as cochair for the St. Louis region of the Labor–Management Committee, a group formed in 1948 to foster cooperation between management and certain established unions, in tandem with a Teamsters union official.¹²

Is it possible Ahner saw the error of his earlier ways after the La Follette Committee investigations and went to confession (he was Catholic) with a benevolent priest who helped him attain a new level of dignity? That is unlikely. Father Leo Brown did play a role, but not as a confessor. How then do we explain Ahner’s ability to survive and thrive in the New Deal order? Only by taking a longer view of how activist employers used espionage and strikebreaking within an array of strategies throughout the twentieth century to ensure labor market control can we place Ahner in proper perspective. Tracing Ahner’s path shows how key political and social networks allowed for what Blankenhorn called fascist tendencies of capitalism to survive. The private–public partnerships designed to eradicate radicalism were the base for Ahner’s survival; when tethered to state concerns for national security, Ahner continued to flourish in the mid-twentieth century. Liberals and conservatives played a role in shaping and facilitating rehabilitation. Telling Ahner’s story makes us consider the emergence of Shefferman and Tate in a new light: They fit comfortably in a broader perspective on employer strategies, one that builds a clearer appreciation for the limits of the New Deal and of the continuities across eras.

Ahner’s initiation into the world of union-busting came during the World War I era in St. Louis, but he entered an enterprise already critically shaped by the past. Understanding this background helps us frame employer activity in the New Deal era. From the 1900 St. Louis streetcar strike onward, paid employer antiunion agents became more than just herders of strike-breakers deployed in particular conflicts or organizing episodes. They also engaged in a range of sophisticated espionage and propaganda activities. A militant minority of employers shaped themselves into a class in order to act collectively on labor issues and to shape St. Louis as a site of

capital accumulation and imperial quest for foreign investment and markets. These men viewed labor organizing as collectivist seeds for a socialist agenda that required an organized response. These militants assessed their opponents in organized labor and feared their community basis of power. They saw themselves bobbing in a sea of socialists who were succeeding in influencing even conservative trade unionists to take up the cause of unskilled workers and to control the labor market through sympathy strikes and other radical means. A vibrant socialist cadre in the St. Louis American Federation of Labor (AFL) unions drove their desire to prevent unionization as a way of thwarting the radicals' influence. They became the defenders and articulators of an antiradical, procapitalist ideological campaign that attacked the sympathy strike, the labor boycott, and other strategies embedded in working-class community life. They built their own alliances to contain unions and articulated positive ideological arguments about rights and the freedom from organized labor's control.¹³

These men used a variety of employers' associations in St. Louis, most of them affiliated with national associations, as vehicles for their agenda, but none was more important than the Citizens Industrial Association (CIA), the local affiliate of the Citizens Industrial Association of America. Activist St. Louis employers James Van Cleave and Ferdinand Schwedtmann were national leaders in the organization; they also played leading roles in other antiunion national organizations, especially the National Association of Manufacturers and the National Metal Trades Association. Shoe industry executives who sought to make St. Louis a point of investment played vital roles. So did transportation employers deeply alarmed by the prospect of teamster sympathy strikes (a refusal of transport struck goods) as an instrument of working-class demands.¹⁴

During this time, employers deployed a diverse array of strategies to shape the labor market and contest unionization, despite significant divisions on other issues. They centralized the sharing of information for effective espionage and spying and blacklists, use of agents provocateurs, and infiltration of unions to weed out agitators. They coupled these activities with securing police and judicial cooperation in strikes, a relationship that remained uninterrupted until 1937. The alliance between managers and police created a revolving door between public and private surveillance. For example, businessmen built relationships with Chief of Police Matthew Kiely, who was notorious for his shoot-to-kill order in a

1904 Teamsters strike and for working closely with the CIA. When Kiely left office, he set up the Kiely Secret Service Agency but continued his relationship with the police. For example, in a 1913 garment strike he worked directly with police officers to arrest dozens of strikers.¹⁵

St. Louis employers won social, political, and legal battles that restrained workers' leverage in the urban labor market, gaining even more leverage than they had secured from deploying thugs. The CIA's legal department provided critical support to secure injunctions and prosecutions of strikers. It influenced judicial appointments and used the courts and allied attorneys more effectively. Labor activists in this period often complained that they were figuratively bound and gagged on the streets of St. Louis through details inserted in injunctions. Employers copied the language from successful cases and worked to gain the most sympathetic judges. They fought a legal and political battle to constrain unions' use of the boycott. The crowning victory of this campaign was the *Buck's Stove and Range* case, a landmark employers' judicial victory in 1911 that essentially outlawed the boycott as a labor strategy.¹⁶ They established a training school to replace the apprenticeship programs of craft unions. They set up employment bureaus with questionnaires designed to screen union advocates and to serve as an alternative to the crafts clearinghouse for skilled and semiskilled workers.¹⁷

The CIA posed as defenders of the public civic arena; the name "citizens" and their propaganda claimed the core themes from the recent Populist movement.¹⁸ This in turn shaped what they demanded of their espionage agents and necessitated more sophisticated approaches. They also opened their organization up to "popular membership"—by their own reports to more than eight thousand—and counted progressive public figures among their membership. Embracing a populist veneer and attempting to propagandize, they were keen on symbolic rituals. For example, after a strikebreaker was killed in the 1904 Teamsters strike, they held a yearly vigil at his gravesite. The CIA hosted a series of lectures and civic events that attracted more than ten thousand people, at which various luminaries, especially clergy, and employers, including those who offered welfare programs and profit sharing, presented their arguments against union boycotts and the closed shop. They pleaded for social harmony over strife, a Progressive reform meme. N. O. Nelson, one of the nation's foremost proponents of profit sharing, was a member of the organization

and an antiunion Progressive speaker on their behalf. They waged a full-fledged propaganda campaign to label unions as based on foreign ideas that would destroy the community and deter capital investment or that would limit workers' freedom and liberties. They worked to define unions as impediments to civic progress, to negate any sympathies between the middle class and workers, and to equate strikes with violence.¹⁹

Activist employer alliances with clergy on the issue of the open shop in fact led to some acceptance of mediation and arbitration in labor disputes. If labor drew support from social gospel ministers and a left-wing interpretation of "what would Jesus do?" the CIA won a mild endorsement from St. Louis archbishop John Glennon of the Catholic Church, as well as hearty endorsements from some prominent Protestant ministers whose positive commentaries on the open shop they published. Glennon called socialism (which he feared as a strong force in the St. Louis AFL) the "philosophy of the beer mug" that would lead to treating children as common property and warned organized labor against Christian socialism.²⁰ He promoted activism from priests on the issue. Father Tim Dempsey, an Irish priest at St. Patrick's parish in St. Louis who was to the left of Glennon, was a key factor in deflecting class conflict. Dempsey contacted one of the most strident antiunion members of the CIA, George Tansey—president of St. Louis Transfer Company, an attorney, and a Democratic Party activist—and persuaded him that his agenda could be reconciled through arbitration with the Irish Catholic trade unionists who were at the time organizing a sympathy strike. Dempsey called Tansey, a Cornell-educated second-generation Irish employer, "as decent a man as ever lived" and "thanked God" that the names of the Teamsters were Duggan, Murphy, and Coyne. Tansey still promoted the open shop and remained active in the CIA after he negotiated with the union in the years that followed, but Dempsey's argument that social harmony should trump class conflict seemed on the surface to have been realized; this reinforced the CIA's claims to the progressive mantle. Tansey never consented to the closed shop but was persuaded, in the midst of a powerful strike and the alliances he had agreed to, to move to arbitration and mediation.²¹

Father Dempsey soon set up an arbitration regime that led CIA members to agree to some negotiations and mediation to promote social harmony just as the CIA had suggested they advocated. Breaking radical influence and control of the labor market were the overarching goals. Employers refused

the closed shop and opposed union leverage on labor-market control. They might concede on wages, but the other issues were not threatened by negotiations and mediation. Dempsey mediated more than fifty major conflicts from 1915 to 1936; he was rewarded with a car donated jointly by labor and management, a symbolic rejection of class conflict. Irish labor leaders through his efforts were more effectively cordoned from the radical direction of industrial union solidarity and mass strikes that had previously animated them. If Tansey ached from conceding to some public intervention, he could find solace in the fact that his concession to arbitration on issues other than the closed shop allowed him to check radical influence in the St. Louis federation of unions. In similar fashion, some of the leading CIA antiunionists experimented with welfare capitalism (provision of some company-provided benefits such as pensions), representation (company unions, which were controlled ultimately by the employer), and modern personnel management from 1911 to 1920.²²

But employers' confidence became unhinged during World War I when the federal government intervened to ensure production. The majority of the St. Louis working class opposed U.S. entry into World War I. German immigrants and socialist trade unionist strength led army military intelligence, as well as Bureau of Investigation and other intelligence agencies, to pounce on the city. They worked in alliance with businessmen to spy on their workforce. But the alliance with government did not prevent the upheaval that brought St. Louis to a crisis less than a year after the United States entered the war. Workers at CIA-led firms seemed to rise up in unison to contest the open shop. The struggle was catalyzed by another streetcar strike in February 1918. Like the 1900 streetcar strike, it gathered tremendous working-class community support. Fearing the collapse of wartime production from inadequate worker transportation, leading capitalists, even the most fervent open-shop defenders, pressured the streetcar company to recognize the union. But St. Louis workers regarded recognition of the streetcar workers' union as a siren call to organize and strike; in virtually every case, the closed shop was on the list of union demands. Soon, more than thirty thousand St. Louis workers were on the streets and a general strike loomed.²³

The St. Louis upheaval helped to create the National War Labor Board, the most important mediating agency for workers during World War I. For employers, federal mediation by the National War Labor Board was a

species of collectivist prolabor state intervention, a threat to enact national wage standards that would rob them of labor market control and confirm the right to a union. A key public figure was strategic in employers' victory. Major William Rogers of the War Department's Industrial Service Section for the Ordnance Department stepped in as mediator and persuaded workers to go back to their jobs while he looked into the merits of their complaints. Rogers orchestrated a campaign to portray the strikers as unpatriotic, used nonunion low-wage companies as the basis for considering the merits of workers' wage complaints, and in general routed the National War Labor Board mediation efforts.²⁴ Unionists' hope of refuge in the National War Labor Board rapidly faded, and in the end, only one strike of the entire St. Louis National War Labor Board caseload was settled in workers' favor. All others were dismissed because employers refused to appear, leading a top National War Labor Board official to suggest there was a conspiracy to prevent the board from functioning.²⁵

Only after the war was it revealed that Rogers had infiltrated workers' organizations in cooperation with business and used stool pigeons to gain information that was passed along to employers.²⁶ It came as little surprise to trade unionists in the area that Rogers was hired with an astonishingly lucrative salary as vice president of the Employers' Association of St. Louis, the open-shop organization that replaced the CIA in the postwar era.²⁷

The 1918 workers uprising anticipated the decisive battles between labor and capital that occurred across the United States from 1919 to 1922. In September 1919, Labor Department mediator G. Y. Harry observed that St. Louis employers were "defiant," "arbitrary," and "generally favorable to controversies." Employers benefitted from the sharp economic downturn of the postwar era, the dismantling of the National War Labor Board, and the federal government's complicity in a strike injunction regime. There was collusion between local employers, judges, government, and private spies. Hysterical interpretations connected every strike to the Bolshevik Revolution and foreign threats. St. Louis labor unions put up a valiant fight against the open-shop campaigns in printing and the railroad industry, and the established unions in St. Louis survived, but dreams of 100 percent unionism and real contests for power faded.²⁸

Albert Ahner became an employer agent during this period. Born in 1898, Ahner was one of six children in a German Catholic family of modest means and completed formal education only through eighth grade. It is significant that Ahner entered spy work after military service at the Mexican border and in the U.S. Navy, which had a very active spying apparatus. As Rogers's networks illustrated, Ahner was entering a domain where the line between public and private surveillance forces was meaningless. It is altogether possible that Rogers recruited Ahner from among the many government agents he worked with in the Employers' Association. Ahner likely engaged in spying for companies and the government simultaneously. Ahner spied not only on radicals but on the Blacksmiths Union in the St. Louis Missouri Pacific Railroad yards during the postwar upheaval and railroad strike of 1922; it is not clear whether government or railroad corporations paid him. He claimed to have spied on Friends of Soviet Union in St. Louis up through 1922 for the Department of Justice's Bureau of Investigation. From 1919 to 1922, St. Louis was one of the cities most investigated by military intelligence and other agencies, which, like employers, saw Bolshevik designs behind every strike in the area. He would have gained valuable connections during these activities with the St. Louis division of the American Legion, founded in 1919 and growing to a million members pledged to save the country from radicals and to assist the public espionage forces.²⁹

The excesses of this hunt for un-Americans, especially the corruption and abuses of civil liberties associated with the hunt, led to its curtailment after 1924. J. Edgar Hoover, the new head of the bureau, pledged to replace political policing with a more professional approach, one that created barriers between private and public agendas and reduced the number of federal spies targeting labor and radical organizations across the nation.³⁰

But the permeable boundaries between public and private sector power structures continued to be breeched at the local and regional level; the information built from the war-era campaigns continued to be utilized. Ahner and others simply moved to private-sector work, using their background in government work as status-building tools. Ahner was employed as an operative for the RAI, which worked closely with military intelligence during the war and had documented Far Right anti-Semitic leanings. The Employers' Association and the RAI offices were close to each other in the same building. Ahner rose to district manager before

leaving in 1928 and setting up his own agency. Ahner's political associations were valuable in facilitating the machinery of repression and illegal tactics. Ahner worked hard to elect Republican machine politicians who dominated local politics in the 1920s, including Victor Miller, former police commissioner, who was mayor of St. Louis from 1925 to 1933. He was closely connected to Miller's campaign manager, Robert J. Kratky, a Republican Party official in Missouri who protected him. When Ahner applied for his own business charter, it was two men prominent in the Republican Party whose names appeared on the application form.³¹

By the late 1920s, Colonel Francis Curlee was Ahner's mentor and attorney. Curlee had been on the CIA's executive committee since 1909. He was originally from Mississippi, where he had organized the Corinth Woolen Mills in Corinth, Mississippi, an enterprise in which a number of prominent St. Louisans had invested. The mill provided cloth for garment factories Curlee set up on the model of the St. Louis shoe industry, which since 1905 had used decentralization of their production into the rural areas of Illinois and Missouri and abetted competition between communities for cheap labor. Their strategy for profitability was fairly simple and very modern: Use systematic methods to significantly undercut Chicago and eastern clothing workers' wage rates. They set up satellite plants in rural depressed areas of the St. Louis region, using the decentralized plants as a wedge against urban-based labor demands. Unions considered Curlee Clothing a cancer on the entire industry. Curlee had been among the first companies in the country to set up a fake company union to keep out unions. In 1925 it seemed to have met its match with the major \$100,000 organizing drive of the Amalgamated Clothing Workers Union, which recognized the need to take on the nation's antiunion behemoth. Ahner, then with the RAI, was hired to thwart the campaign and apparently pleased Curlee immensely by working his relationship with police; it was police, not Ahner's operatives, who assaulted the young female strikers. Ahner's plan tied up the union's time in legal battles in the courts after more than three hundred strikers were arrested. Curlee meanwhile incorporated in Delaware and used his legal team to get a federal injunction, and the strike was soon over. Afterward, the company opened up another factory employing only workers who were unable to hear or speak, who seemed to Curlee to be the ideal employees.³² Curlee's efforts ensured that the St. Louis clothing companies had much lower wage rates and remained a

scourge in the clothing industry. Ahner's role in the victory seemed to secure a place in Curlee's heart and gained him influence with other leading businessmen.

Similar actions were taken against the cleaning and dyeing industry, in which activist employers throughout the 1920s waged an aggressive warfare against unionization. La Follette Committee investigators found that Ahner regularly planted bombs during strikes and then laid blame on the unions. The only business in the industry that was not blown up in the strike was the one that did not employ Ahner.³³

Ahner's networks facilitated his expansion to Kansas City, and he secured police department cooperation there as well. Ahner and his operatives there carried concealed weapons and bombs, and when they were arrested the cases were almost always dismissed. But Ahner was exposed when prosecutors alleged the head of the Building Trades Council, Frank Petersen, bombed the house of an antiunion contractor. An ex-convict suddenly confessed that Ahner had offered him \$5,000 to testify that Petersen had ordered the bombing when in fact it had been the head of the Employers' Association and Ahner who had done it. The affidavits threatened to expose the way things worked: Ahner had the power to get people arrested and to get "sluggers" bailed out without prosecution. In the Petersen case, Ahner had even threatened to have the squealer's wife arrested and sent to the penitentiary if he refused to implicate Petersen. Petersen was found not guilty, but there was no prosecution of Ahner for the bombing.³⁴

When questioned about why police allowed Ahner such latitude, Kansas City Commissioner of Police Otto Higgins told the FBI that he "thoroughly approved of methods in quieting labor troubles in Kansas City." If this was true in the 1920s, it became even more so for police as they confronted the revival of the unemployed and mass strikes that radicals led in the 1930s. Higgins reported that he "forgave" methods like "Ahner throwing stink bombs" because it might prevent a general strike as occurred in 1934 in San Francisco. Thus it should not be surprising that in Kansas City police alerted Ahner when unionists were being released from holding cells in police headquarters so "he could beat up organizers" or that "there are accounts of where Ahner was practically directing police during strike duty."³⁵

Ahner learned even when he lost labor battles, and began even before the New Deal to transition to a broader array of services. For example, workers in the 1930 St. Louis People's Motor Bus Company prevailed after a twenty-one-day strike he combated. Even so, employers invited Ahner to take part in the negotiations with Father Dempsey, his first major collective bargaining experience, his introduction to the world of arbitration and negotiation. By 1929 Ahner was claiming unions could be avoided by using questionnaire surveys and industrial relations research. Ahner saw no contradiction between diplomacy of that sort and physical repression. Thus there was a melding of brass knuckles and briefcases.³⁶

The Great Depression brought more opportunity to Ahner as workers initiated organizing drives and radical organizations grew. Though his Republican Party support base was ousted by local Democratic Party officials elected on the coattails of Franklin D. Roosevelt's 1932 victory, there were plenty of antiunion employers in the Democratic Party. Labor troubles loomed as more ominous when the 1933 National Industrial Recovery Act's (NIRA) section 7a gave the right to organize and bargain collectively for the first time in U.S. history. Some prominent Democrats were shocked by this nod to labor and turned to Ahner. One of Ahner's steadiest defenders for the next ten years was Samuel Fordyce, a prominent wealthy Democrat and lawyer who was on the board of numerous St. Louis companies, including a major utility, Laclede Gas Company. Fordyce's family, like Curlee's, hailed from the South; his father had built a southern railroad empire. One of the wealthiest men in the city, Fordyce raised funds for Father Dempsey's charity organization, though he was not Catholic. Fordyce was also president of the St. Louis Industrial Club, which had advocated industrial peace through arbitration and mediation, but that didn't make him a union supporter. He gained national notoriety by publicly challenging Hugh S. Johnson, the National Recovery Administration's (NRA) executive, to declare government neutrality on unionization, a replay of the War Labor Board policies. Fordyce interpreted Johnson's statement that the NRA would be neutral on unions as approval for company unions. Ahner readily assisted in creating a company union when workers at Laclede Gas sought to organize soon after, a strategy Fordyce approved. When workers struck, he supplied thugs.³⁷

Employers' success during the World War I upheaval encouraged them to meet the new challenge the NRA represented. St. Louis executives in

several industries acted to ensure that the NRA labor standards deprived workers of labor-market leverage and control just as Major Rogers had done during World War I. They reworked NRA “codes of fair competition” to allow regional wage differentials, specifically low rates for St. Louis industries.³⁸ When labor unrest erupted as a result, Ahner was active in both St. Louis and Kansas City labor boards that were supposed to offer redress against violation of NIRA section 7a granting the right to organize. This followed the path blazed in World War I with Major Rogers and the Employers Association. In Kansas City, he worked with the executive secretary of the Regional Labor Board Richard Blume, a veteran of the War Labor Board, to learn the ropes of how the board operated. Ahner even accompanied Blume to settle a streetcar strike and join in negotiations, representing himself as a “government man” who argued (per Fordyce) that company unions were approved by FDR. Meanwhile, his operatives were shadowing the Department of Labor conciliator. Soon thereafter, Ahner persuaded Blume to become secretary of the Kansas City Employers’ Association. Ahner’s plan included quick petitions for company unions. He organized the Kansas City Citizen’s Protective Council, which proclaimed its mission to keep industrial peace, declaring that it was organized only to fight “racketeers” and coercion by “agitators,” especially the Communist Party. Curlee assisted Ahner, urging Kansas City employers to organize company unions proactively to preempt unions.³⁹

It was in response to the NRA-era strikes that Ahner began to identify publicly as an industrial relations counselor and distanced himself from acts of brutality. He issued a newsletter discussing the finer points of legal boundaries and offered his services as an expert in negotiating the obstacles that unions in the new environment might provide.⁴⁰ He also started a relationship with a young attorney, Charles Spoehrer, that would develop into a partnership. Spoehrer was the son of a notorious electrical utility antiunionist with ties to the CIA. “We are especially well-equipped to serve in a most comprehensive way on the subject of industrial relations,” Ahner assured employers in the Midwest. In the Laclede Gas case, Ahner failed to thwart the union effort despite the hefty sum he was paid; the union’s spectacular campaign prevailed to win recognition. When the company finally agreed to negotiate, Samuel Fordyce called in Father Dempsey to facilitate the deal.⁴¹

The National Labor Relations Act in 1935, with its provisions to investigate antiunion espionage and violations of workers' rights, threatened to unravel this system. It seemed to extend civil liberties to the workplace, and because denial of free speech and assembly was at the center of so many employer strategies for so long, it is no wonder that employers simply violated the provisions, often on the advice of their attorneys, who assured them that the act would be overturned by the Supreme Court. Meanwhile, they pointed to communists' and radicals' involvement in the newly organized Congress of Industrial Organizations (CIO) to bolster their position against labor rights. This tactic was effective only in some cases, especially when employers had the assistance of top AFL and CIO officials in weeding out radicals. But there were now countervailing forces in the government that supported workers' free speech and assembly rights and overlooked (in contrast with the NRA labor board) the political affiliations of labor activists. But the promise of change through the NLRA was limited by activist employers and their advisers like Ahner. Many people at the time, and since, recognized that employer power would be countered only by a strong labor movement willing to fight and violate the law to win more rights; employer's activism tempered the burgeoning labor movement even during the height of labor's legal rights in the New Deal era.⁴²

Labor Board officials could not rid their agency of the scourge of Ahner; by 1939 he seemed to be flaunting his power. Ahner was clearly directing one of the most egregious violators of the NLRA, Forest City Manufacturing. Forest City allied with Curlee to keep cheap labor as the foundation of the St. Louis garment industry, thus suppressing wage scales locally and nationally. This alliance started in 1931, when workers in St. Louis and Illinois accomplished a mass shutdown of all Forest City operations. Ahner helped Forest City secure a 99-year injunction against the union; workers were told he was the company's silent partner. The company executive later testified that the \$18,000 they paid Ahner from 1935 to 1939 was money well spent, though he defiantly destroyed the records of what Ahner had done. Ahner used operatives to pose as union organizers in order to flush out union supporters. NLRB officials slowly realized that the violence and physical threats associated with Ahner were less effective at intimidation than workers' fear that they could be framed using elaborate conspiracies, for example, that utility companies might charge unionists

with meter tampering. The NLRB felt the FBI needed to investigate conspiracies across St. Louis involving Ahner. Ahner paid his operatives to make outrageous statements about the union drives in NLRB hearings and then transported that testimony by air to the U.S. congressman from Missouri, Charles Anderson, a Democrat, to assist Anderson in bringing charges of subversion of the St. Louis branch of the Labor Board before the House Committee on Un-American Activities hearings, an attempt to tarnish labor and delay the case. Regional Labor Board director Dorothy de Schweinitz echoed the World War I labor board's complaints of conspiracy: "the most labor-baiting attorneys are in league against us in this case" in order to weaken the board politically. De Schweinitz wanted to launch a full investigation of the conspiracy with the case but found the International Ladies Garment Workers Union leadership was not willing. The attacks on the NLRB in Washington were not met with an effective response to Ahner. The Forest City case was settled and the workers never won their union. Ahner remained the company's adviser.⁴³

In March 1939, Ahner made an unscheduled visit to de Schweinitz at her office to offer an olive branch. He admitted that he was directing Forest City's activities, including its attorney's obstruction strategy. He anticipated, however, that legislation would pass "further restricting his type of activity." Senator La Follette and Congressman Reuben Wood of Missouri (one of the few trade unionists elected to the U.S. Congress during the New Deal) had just introduced the Oppressive Labor Practices Act. Though de Schweinitz was cautious about Ahner's sincerity, she reported that he had "assured us that he was tired of fighting and that times were changing; that he advised many employers to settle Board cases and to make union agreements." But antilabor forces and Democrats allowed the bill to languish until 1940, when the international context of the European war and national security issues gave leverage to weaken it until it died. Ahner must have been satisfied that the 1930s investigations produced no prohibitions on "his type of activity." Activist employers' tenacity provided valuable continuities. Legal limitations to further curb the "fascist tendencies" that Blankenhorn had anticipated were in fact never fully realized. And the relationships between the public and private surveillance system had not changed as much as might be assumed from looking only at the NLRB. Ahner's ability to survive and even thrive in the new order are a testament to that.⁴⁴

Even as the La Follette Committee was investigating Ahner and employer agents, and although de Schweinitz was calling for FBI support, the FBI and other intelligence services were working with employers to oppose radicals, supplying one prong of the old employers' associations' agenda with some government support, although most detested NLRB activities. In 1936 Roosevelt authorized J. Edgar Hoover to initiate investigations of subversive activities. In St. Louis, the main target was the Communist Party and the United Electrical Workers Union, which had won union contracts from the most strident antiunion employers. By World War II, United Electrical Workers was the most aggressive labor organization and had the most expansive agenda of any in the area. They were organizing in the entire region to contest employer labor-market power with the goal of implementing a labor agenda based on human rights that centered on women, African Americans, and the unskilled. In *Radical Unionism* I profiled a key employer agent, Fred Bender, who followed and obstructed United Electrical Workers radicals around the Midwest. Bender worked with antiradical judicial, state, and local police agents as well as groups like the American Legion, the AFL, or internal factional opponents and encouraged conservative forces in the Democratic Party to attack them. Bender, like Ahner, was a former RAI operative; he likely worked with Ahner at some point. He was considered a thug by the La Follette Committee; friendly staff provided information to the United Electrical Workers about his nefarious background, including the fact that he had served a year in Leavenworth prison for inciting a riot in an unemployed demonstration. He was clearly an agent provocateur. Yet his public face was that of an investigator for St. Louis businessmen.⁴⁵

Recently opened archives of the U.S. Senate Select Committee on Improper Activities in Labor and Management (McClellan Committee) suggest that Bender, who was called before that committee in 1957 to testify about his knowledge of employer agent Nathan Shefferman, worked as an operative from 1937 to 1945 “for the FBI, Military Intelligence, Naval Intelligence, and other Government agencies for the purpose of obtaining information.” An investigator reported that Bender had thirty-four undercover agents in the Communist Party until 1945, when he left to set up Industrial Investigators Incorporated—still working with employers, but six of his undercover agents were employed by the FBI. Bender was simultaneously an employer operative while working with the FBI; here we

gain a better understanding of how the private–public system provided continuity between the World War I era and the New Deal era. Liberals like de Schweinitz believed in the rectitude of the FBI, but the evidence that Bender worked with the FBI adds to some scholars’ doubts about the FBI’s integrity during the period. Bender’s agenda was little different from that of the operatives who had worked in league with the government against labor in the World War I era. Eradicating radicalism through private–public partnerships lived on comfortably in the New Deal era.⁴⁶

Bender worked with a group of conservative trade unionists led by Father Leo Brown, a Jesuit priest who was friendly with both industrialists and labor leaders. Brown in turn gave significant cover for Ahner’s rehabilitation. Brown established the St. Louis Labor College as part of the Jesuit-sponsored Institute of Social Order in 1942, intending it as a ballast against Communist Party influence in unions. His goal, like Dempsey’s before him, was harmonious industrial relations, but he was less tolerant of radical elements. He sought allies to bring anticommunists to leadership in United Electrical Workers locals, and these allies also worked with Fred Bender. When I studied this relationship for *Radical Unionism*, I could not understand why these trade unionists cooperated with an antiunion operative who had served time in Leavenworth, someone who helped to fund and publish an antiunion, antiradical newspaper, *The Spotlight*. The new evidence from the McClellan files shows he presented himself as an FBI man to trade unionists and liberals. Brown’s credentials allowed him and his allies to carry out righteously the take-down of the most democratic union in the area, one whose goal was to make the union movement a lever against capitalist political economy.⁴⁷

Brown, while working with Bender, also established a collaborating relationship with Ahner, whose Catholic faith and anticommunism likely helped break down some barriers. Brown’s blessing on Ahner provided a balm for Ahner’s reputation. Brown became an arbitrator in the St. Louis Region of the National War Labor Board and gained fame for settling an acrimonious steel strike in 1946. Ahner and Spoehrer represented a number of firms whom the National War Labor Board forced to negotiate by the end of the long war, including those once associated with the CIA or the Employers’ Association. Ahner did his best to reduce the power of union representation, and wartime limitations on workers’ right to strike provided him with some leverage. But he also used the war period to further recast

himself as a negotiator. He sometimes lost in proceedings, as the National War Labor Board in this Midwest region was one of the stronger boards, and some old open-shop companies he represented were forced to compromise, a painful resolution in Ahner's long history. This was the period in which the St. Louis area became union territory. But the kinds of unions and the limits on union power were another matter that employers had a role in determining, and activist employers found Ahner's services useful.⁴⁸

During the war, Brown worked to bring an arbitration and conciliation regime in the laundry and dry cleaning industry, the very industry Ahner had bombed ten years before. Brown and Ahner worked together to establish five- and six-year contracts with the Teamsters—most unionists rejected long contracts as disempowering—and a three-member permanent commission to settle conflicts through compulsory arbitration. This resulted in a record of no strikes in the industry between 1944 and 1974. Ahner conceived the idea that Father Brown would serve as a kind of supreme court for the contract; Brown implemented a screening process to reduce worker grievances. When Ahner died in 1955, his son took over his business and assumed his role as management consultant in the group, extending the legacy of the arrangement. The arrangement brought stability but kept wages lower than the industry standard and diminished the voice of workers. Ahner's accomplishments were praised at the time as a model of labor-management cooperation, but the contract discussions intentionally left out workers' voices and the no-strike clause in the contracts put the benevolent Father Brown in charge.⁴⁹ One could acknowledge that the contracts and arbitration arrangement were better results than a company union, but it was a weak union. By 1948, a group chaired by Ahner and dubbed the Labor-Management Committee was formed to foster cooperation between management and established Teamster and building trades unions. For these activities Brown, in the tradition established for Father Dempsey, received his first car from the group in 1948, along with a year's supply of gas and oil; some of the most recalcitrant antiunionists were there to participate in the donation. The group donated at least three more cars to Brown between then and 1975.⁵⁰

Ahner used his cover of respectability to continue to work to break strikes whenever it was possible. During World War II, Ahner sought to thwart the union-organizing drive by the United Distribution Workers-CIO

in area warehouses through a variety of surveys and other psychological interventions. He negotiated sweetheart contracts with the Teamsters and other unions, a method that historians later tagged as the Shefferman strategy. When these tactics of Ahner's did not produce the desired result, he brought in strikebreakers; he seemed to have renewed influence and cooperation from the police for patrolling strikes.⁵¹

Ahner continued to test the limits of unions', the NLRB's, and the National War Labor Board's power. For example, he advised employers to fire a Mavrakos candy worker who had violated the rule forbidding talking on the assembly line in order to establish employers' right to manage. But workers forced the company to relent after engaging in direct action and publicizing the fact that the woman was married to a soldier. Ahner and Spoehrer also made several efforts to get a company union in the Mavrakos plant. When workers demonstrated in favor of a contract with informational picketing, the company sought an injunction, announced a major layoff, and then sent letters to workers calling them to Ahner's office. The conflict escalated with worker arrests, until Father Brown was accepted as mediator. When the union refused to accept a no-strike clause, a consortium of businessmen in St. Louis contacted Fred Bender to devise ways to bring down Harold Gibbons, the maverick head of the local CIO union. Sectarian battles made Gibbons unwilling to ally with United Electrical Workers officials, which gave Ahner leverage for his agenda; soon Gibbons made the decision to enter the corrupt Teamsters union, where he was a maverick, but still the target of Bender and Ahner.⁵²

Some workers found it profoundly strange to negotiate across the table from Ahner. In April 1946, Floyd Early of Kansas City Teamsters Laundry Drivers expressed outrage that Ahner and Spoehrer would be heading the negotiations for the Associated Laundry Owners in Kansas City. The Teamsters Joint Council of Kansas City formally voted to refuse to deal with Ahner and Spoehrer. They explained that that Ahner's henchmen had gotten elected to the position of business agent to represent the truck drivers' union. This infiltration of the Teamsters' position resulted in the collapse of the union as a true representative of the workers.

A Kansas City NLRB case revealed that Ahner still resorted to old habits whenever possible. A trash drivers' local union representative had refused to be bought by Ahner, and so Ahner sent an operative to go to work for one of the companies and pose as a militant. The operative got elected

recording secretary; the man who refused the bribe “got assassinated on his way to his home.” These union men were not fooled by Ahner’s new pose of moderation: “Ahner’s entire history of contact with industrial relations has been that of a union wrecker and spy. His protestations that he has reformed and that he is now honorably assisting in the negotiation of labor contracts is not believed by the Truck Drivers Council.” But employers’ representatives were delighted to point out to the Teamsters that the board allowed them to use Ahner as a negotiator.⁵³

Ahner’s home in the bargaining regimes of the war and postwar years was amplified by new legal and institutional constraints on workers. The limited collective speech rights guarantees for workers under the Wagner Act were further abridged by the Taft-Hartley Act of 1947, which enhanced employers’ rights and restricted unionists’ right to collective speech and assembly. Taft-Hartley made workers’ rights to radical political association suspect by demanding that unions affirm through affidavits that no communists were union officials. These restrictions, combined with the CIO’s internal suppression of radicals (a project that got underway in 1939), ultimately reduced the fighting capacity of workers. Ahner, Bender, and employers were never forced to offer evidence that they did not belong to Far Right groups, though Bender went on to serve the White Citizen’s Council and other proto-fascist groups in the 1950s. Moreover, the Taft-Hartley Act increased restrictions on the ability to connect speech and action by prohibiting mass picketing, sympathy strikes, and boycotts of firms not directly associated with strikes (strategies that the open-shop movement had targeted in the early years of the twentieth century). It defined employee as excluding foremen and low-level supervisors, effectively cordoning their speech and assembly rights as solely ones belonging to management, not labor.

Ahner’s career calls for us to acknowledge the way that an antiunion repression agenda was kept alive within the New Deal and morphed. Ahner’s career is strange only because historians cling to a framework of a “rise of a Right,” often with southern origins, while not seeing longer antecedents, networks, and learning. When John Tate developed his union-avoidance strategies for Wal-Mart in the 1960s, they were not as much a departure or innovation, nor were they fully southern in origin as has been claimed. In fact these strategies were already well established in the Midwest, ideologically honed and practiced during the New Deal era. All

the frameworks for union avoidance that became known as briefcase methods were descended from and bequeathed by more than a half-century of practice through propaganda and mercenary forces, embedded in silos of the state, and linked in networks established and kept alive even after blackjacks became formally outlawed. These ostensibly more sophisticated strategies comfortably resided alongside the blackjack in business's repertoire.⁵⁴

Notes

1. Joseph P. Madden to John J. Mara, 10 August 1935, Case C-20, National Labor Relations Board Case Files, RG 25, National Archives and Records Service, Silver Spring, Maryland (hereafter cited as C-20).
2. Official Proceedings before the National Labor Relations Board, Case No. 14-C-2, 67, 188; David Shaw to Chas. Fahy, 30 November 1935, both in C-20.
3. *St. Louis Post-Dispatch*, 20, 21, and 22 November 1935, 3.
4. Heber Blankenhorn to Edwin S. Smith, 15 November 1935, C-20.
5. For a review of the La Follette Civil Liberties Committee, see Jerry Auerbach, *Labor and Liberty: The La Follette Committee and the New Deal* (New York: Bobbs-Merrill, 1966). See also Gilbert J. Gall, "Heber Blankenhorn, the La Follette Committee, and the Irony of Industrial Repression," *Labor History* 23, Spring (1982): 246–53, quote on 248.
6. U.S. Congress, Senate, Subcommittee of the Committee on Education and Labor (hereafter Education and Labor Subcommittee), *Hearings on S. Res. 266*, 74th Cong. 2nd Sess. (Washington, DC: Government Printing Office, 1936), 5.
7. Heber Blankenhorn to Edwin S. Smith, 15 November 1935, C-20; Subcommittee of the Committee on Education and Labor, Investigations of Violations of Rights of Labor, Records of the United States Senate, Box 1, Manuscripts, RG 46, National Archives, Washington, D.C.
8. Education and Labor Subcommittee, *Hearings on S. Res. 266*, 295–308.
9. *Salt Lake City Tribune*, 29 July 1933, 7.
10. Education and Labor Subcommittee, *Hearings on S. Res. 266*.
11. Robert Michael Smith, *From Blackjacks to Briefcases: A History of Commercialized Strikebreaking and Unionbusting in the United States* (Athens, OH: Ohio University Press, 2003); Stephen H. Norwood, *Strikebreaking and Intimidation: Mercenaries and Masculinity in Twentieth Century America* (Chapel Hill: University of North Carolina Press, 2002); Sanford Jacoby, *Modern Manors: Welfare Capitalism since the New Deal* (Princeton, NJ: Princeton University Press, 1998), 128–40; John Logan, "Consultants, Lawyers, and the 'Union Free' Movement in the USA since the 1970s," *Industrial Relations Journal* 33, August (2002): 197–214. On the emphasis on the innovations of Tate, see Nelson Lichtenstein, "Wal-Mart, John Tate, and Their Anti-Union America," in *The Right and Labor in America: Politics, Ideology, and Imagination*, ed. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia: University of Pennsylvania Press, 2012); and Bethany Moreton, *to Serve God and Wal-Mart: The Making of Christian Free Enterprise* (Cambridge, MA: Harvard University Press, 2009).
12. *St. Louis Globe Democrat*, 25 February 1955, in Father Leo Brown Records, St. Louis University Archives, St. Louis, Missouri.
13. Rosemary Feurer, *Radical Unionism in the Midwest 1900–1950* (Urbana: University of Illinois Press, 2006), chapter 1; Henry W. Berger, *St. Louis and Empire: 250 Years of Imperial Quest and Urban Crisis* (Carbondale: Southern Illinois University Press, 2015).

14. Citizen Industrial Association Miscellaneous Items Folder, Missouri Historical Society, St. Louis; David Kreyling to Samuel Gompers, 9 September 1917, Reel 88, *The American Federation of Labor Records: The Samuel Gompers Era* (Sanford, NC: Microfilm Corporation of America), pt. 2; *St. Louis Labor*, 14 February 1904.

15. *Citizens' Industrial Exponent*, June 1904; *St. Louis Labor*, 16 April 1904; "What Police and Firemen Are Doing," *Municipal Journal and Engineer* 17, no. 4 (1906), 182–86; *St. Louis Labor*, 9 November 1918; *St. Louis Labor*, 21 October 1911; William Reedy, *The Makers of St. Louis*, (St. Louis, MO: The Mirror, 1906), 64. The blacklist remained extraordinarily effective into the early 1920s. See Robert Saunders's autobiography, S00087, Folder 1, Robert S. Saunders Papers, in the Western Historical Manuscripts Collection, University of Missouri–St. Louis. For legal strategies, see CIA folder, Edward Goltra Papers, Collection A0595, Missouri Historical Society, St. Louis, Missouri; vols. 2 through 7 of *Citizens' Industrial Exponent* (1905–10); Citizens' Industrial Alliance brochures and records of events in Tin Room Collections, St. Louis Public Library, St. Louis, Missouri.

16. *Square Deal* 13, no. 97 (August 1913): 77; *Synopsis of the Proceedings of the Thirteenth Annual Convention of the National Metal Trades Association, April 12–13, 1911* (1911), 215–21; *Open Shop Review*, October 1916; James O'Connell to Samuel Gompers, 19 September 1917, Reel 88, 0437, *The American Federation of Labor Records: The Samuel Gompers Era* (Sanford, NC: Microfilm Corporation of America, 1979), pt. 2.

17. Howell John Harris, *Bloodless Victories: The Rise and Fall of the Open Shop in the Philadelphia Metal Trades, 1890–1940* (Cambridge, UK: Cambridge University Press, 2000), concluded that the employment bureau was among the most important strategies that won the open shop. In St. Louis, the employment bureau was directly connected to an antiradical strategy of multiple employer groups. When Van Cleave left the company, the Stove Mounters union won their nine-hour day and a closed shop. The point is not that these players always won, but that there were always enough employer activists to congeal support for their community-based campaigns, which they cast in civic terms, but which were transparently about employer power.

18. Chicago employers founded their own Citizens' Association in 1874, in a similar response to a movement there: see John Jentz and Richard Schneirov, *Chicago in the Age of Capital: Class, Politics, and Democracy during the Civil War and Reconstruction* (Urbana: University of Illinois Press, 2012).

19. *Handbook of the Citizen's Industrial Association in St. Louis* (n.p., 1908), in Miscellaneous Items, Citizen's Industrial Association Collection, Missouri Historical Society, St. Louis, Missouri. See also *Citizens Industrial Exponent*, 1905–10; for Teamsters ritual, see March 1905, 15; April 1906, 17; June 1910, 6; for membership claims, see January 1909, 4; for N. O. Nelson, see September 1905, 22.

20. Report of Delegates to A. F. of L. Convention of St. Louis," *Tailor*, 21, no. 4 (December 1910), 5–13 (quote on 11); Mark Korson, "Catholic Anti-Socialism," in *Failure of a Dream? Essays in the History of American Socialism*, rev. ed., ed. John H. M. Laslett and Seymour Martin Lipset (Berkeley: University of California Press, 1984); *St. Louis Republic*, 4 September 1916, 1.

21. Francis M. Doyle, "Father Tim Dempsey: A St. Louis Institution," Monsignor Timothy Dempsey File, Archives of the Archdiocese of St. Louis, Kenrick Pastoral Center, Shrewsbury, Missouri (quote about Tansey on page 6); Harold James McAuliffe, "Monsignor Timothy Dempsey: An Historical Study of Charitable Enterprise in Saint Louis," masters' thesis (St. Louis University, 1940); William Reedy, *The Makers of St. Louis* (St. Louis, MO: The Mirror, 1906), 92.

22. "Strikes and Riots Scrapbook," vol. 1, Missouri Historical Society, St. Louis, which includes *St. Louis Republic*, 16 August 1915, 15 December 1915, 17 March 1916, 7 May 1916, and 29 July 1916, and *Square Deal*, October 1915. Page 84 of *Square Deal* shows that Dempsey eliminated the sympathy strike as a threat. For the way that welfare capitalism and modern personnel strategies

coincided with repression, see Feurer, *Radical Unionism*, chapter 1. See also McAuliffe, “Monsignor Timothy Dempsey,” 330, on Dempsey’s automobile.

23. *St. Louis Republic*, 4–7 February 1918, in *Strikes and Riots Scrapbook*, vol. 1, Missouri Historical Society, St. Louis; *St. Louis Labor*, 2, 9, 16, and 23 March 1918; *St. Louis Post-Dispatch*, 7 March 1918; *St. Louis Labor*, 16 March 1918; Christopher Gibbs, *The Great Silent Majority Missouri’s Resistance to World War I* (Columbia, MO: University of Missouri Press), 198.

24. *St. Louis Republic*, 28 March 1918, 1; *Papers of the National War Labor Board, 1918–1919* (Microfilm) (Frederick, MD: University Publications of America, 1989), Reel 8, p. 9; Wm. B. Northrop to Edmund Leigh, 9 May 1918, Plant Protection Section, Military Intelligence Division, War Department Records, RG 165, Silver Spring, Maryland; Stanley King to Felix Frankfurter, 21 June 1918, Box 17, Correspondence of the Chair and of the Executive Secretary, Records of the War Labor Policy Board, RG 4, National Archives, Washington, D.C.; Boyle O. Rodes to Chief of Plant Protection, 23 March 1918, Box 117, RG 165, National Archives. Rogers’s open-shop wage is in Case File 472, Hod Carriers Local 397 vs. Commonwealth Steel, National War Labor Board, RG 2, National Archives, Suitland, Maryland.

25. Executive Session Minutes, 27 August 1918, p. 26, Reel 8, frame 233, *NWLB Microfilm*; Gary Fink, *Labor’s Search for Political Order: The Political Behavior of the Missouri Labor Movement, 1890–1940* (Columbia: University of Missouri Press, 1973).

26. *St. Louis Labor*, 8 March 1919, and 10 April 1920; Minutes, 11 September 1919, Box 4; and Box 7, folder “War Labor Board, Wagner Electric, 1918,” Records of the International Association of Machinists, District 9, Western Historical Manuscripts Collection, University of Missouri–St. Louis.

27. Materials from the Employers’ Association is reproduced in *St. Louis Labor*, 5 February 1921.

28. David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (Cambridge, UK: Cambridge University Press, 1989) 370–464; G. Y. Harry to H. L. Kerwin, 27 September 1919, Case File 170–803, RG 280, Federal Mediation and Conciliation Service Files, National Archives II, College Park, Maryland; *St. Louis Labor*, 7 September 1921, 7 January 1922, 9 September 1922; Fink, *Labor’s Search for Political Order*, 99, fn. 16.

29. Albert A. Ahner, *1900 U.S. Census, St Louis Ward 10, St Louis (Independent City), Missouri*, Enumeration District: 0159; Roll 893, p. 11A; FHL microfilm 1240893, [Ancestry.com](https://www.ancestry.com) (7 July 2016); *Report of the Adjutant General State of Missouri, 1915–16* (Jefferson City, KS: Hugh Stephens); *The Service of the Missouri National Guard on the Mexican Border under the President’s Order of June 18, 1916* (Jefferson City, KS: Hugh Stephens, 1917); Investigator’s Report—David C. Shaw, St. Louis, Missouri, on A. A. Ahner Detective Agency, Inc., Folder 20, Box 20, 2, 9, Luther M. Slinkard Papers, Archives of Labor and Urban Affairs, Walter Reuther Library, Wayne State University, Detroit, Michigan (hereafter cited as Investigator’s Report); Roy Talbert, *Negative Intelligence: The Army and the American Left, 1917–1941* (Jackson: University Press of Mississippi, 1991); *Seeing Reds: Federal Surveillance of Radicals in the Pittsburgh Mill District, 1917–1921* (Pittsburgh, PA: University of Pittsburgh Press, 2003). Material on the extensive surveillance of the St. Louis area is found in *U.S. Military Intelligence Reports: Surveillance of Radicals in the United States, 1917–1941* (Frederick, MD: University Publications of America, 1984), Reel 11, frames 294–340, and Reel 13, frames 673–869.

30. Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919–1943* (Copenhagen, Den.: Museum Tusculanum Press, 2000), and Jennifer Luff, *Commonsense Anticommunism: Labor and Civil Liberties between the World Wars* (Chapel Hill: University of North Carolina Press, 2012), argue that Hoover should be taken at his word, but Athan Theoharis, *The Boss: J. Edgar Hoover and the Great American Inquisition* (Philadelphia: Temple University Press, 1988), and Alfred McCoy, *Policing America’s Empire: The United States, the Philippines, and the Rise of the Surveillance State* (Madison: University of Wisconsin Press, 2009), as well as material later in this chapter casts some doubt on Hoover’s candor.

31. Investigator's Report, 4. This information about political associations was left out of the public hearings.

32. *St. Louis Labor*, 6, 13, 20, and 27 June 1925; 4 and 25 July 1925; 21 and 29 August 1925; and 3 July 1926. For Curlee's role in the CIA, see the Citizens' Industrial Association files of the Missouri Historical Society, St. Louis. St. Louis shoe industry decentralization and whipsawing strategy was dubbed the "St. Louis idea" and reflected a systematic modern approach to wage depression. See *Shoe and Leather Gazette*, 24 November 1909; and Jon Rikard Ivarson, "Concentration and Dispersion of the Shoe Industry in the United States" (master's thesis, University of Illinois, 1957).

33. Investigator's Report, 6.

34. Investigator's Report, 7. The report cites numerous affidavits in the case that are no longer available; *Kansas City Times*, 12 February 1929, 1.

35. Investigator's Report, 9.

36. Investigator's Report, 6.

37. *Edwardsville (Illinois) Intelligencer*, 5 August 1932, 1; *St. Louis Post-Dispatch*, 10 January 1948, 14. Case File 266, Laclede Gas Company, Records of the St. Louis Regional Labor Board, RG 25, National Labor Relations Board, Silver Spring, Maryland (hereafter Case File 266, RG 25); McAuliffe, "Monsignor Timothy Dempsey," 363; Fordyce's involvement with Dempsey's charities were in part driven by the idea of discouraging what he called the "professional beggar" (*St. Louis Globe-Democrat*, 20 November 1932, 2).

38. Hearing, Investigation of the Boot and Shoe Industry, p. 44, NRA Consolidated Approved Code Industry File A; Howard Myers to Sidney Hillman, 12 January 1935, in Code Operation (Miss-Mass); H. A. Schwartzott to Joseph Brodinsky, 10 January 1935, in Boot and Shoe Code Operation Folder; John Mara to Franklin D. Roosevelt, 19 March 1935, Boot and Shoe Code, History Folder—all in Box 1077, folder 16, "Labor," Electrical Code Industry files, Box 2114, Records of the National Recover Administration, RG 9, National Archives II, College Park, Maryland; *St. Louis Globe-Democrat*, 2 May 1934, 1.

39. Investigator's Report, 15; *St. Louis Post-Dispatch*, 7 June 1933, 1, 2; *Jefferson City Daily Capital News*, 19 October 1934 (quotes); *Kansas City Star*, 13 July 1938, 3.

40. Investigator's Report, 15.

41. Laclede Gas Company, St. Louis Regional Labor Board, 1933–1935, Case File 266, RG 25.

42. Auerbach, *Labor and Liberty*.

43. Investigator's Report, 6–7; Case 215, Forest City Manufacturing vs. International Ladies Garment Workers Union, St. Louis Regional Labor Board, 1933–1935, esp. M. Moore to Harold T. Garvey, 6 February 1935, RG 25; Case File 176–415, Forest City Manufacturing, RG 280, esp. Robert B. Watts to Thurlow Smoot, 27 January 1939; Case File C-1231, RG 25, esp. Dorothea de Schweinitz to Beatrice M. Stern, 3 February 1939; Dorothea de Schweinitz to Nathan Witt, 1 March 1939; and Dorothy de Schweinitz to Nathan Witt, 3 March 1939; *St. Louis Globe-Democrat*, 29 February 1939, 5; *St. Louis Star-Times*, 7 March 1939, 3. For more on the politically gendered context of the attack on NLRB staff members like de Schweinitz, see Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton, NJ: Princeton University Press, 2013).

44. Dorothea de Schweinitz to Nathan Witt, 7 March 1939, C-1231, RG 25 (including her quote of Ahner). In 1936 Congress had passed the Byrnes Act, which prohibited strikebreakers from crossing state lines, but that was easily circumvented; only one prosecution was ever successful. See Norwood, *Strikebreaking and Intimidation*, 230. On the Oppressive Practices Act, see Smith, *Blackjacks to Briefcases*, 93–95.

45. Donna Haverty-Stacke, "Punishment of Mere Political Advocacy: The FBI, Teamsters Local 544, and the Origins of the 1941 Smith Act Case," *Journal of American History* 100, no. 1 (June 2013), 68–93; Feurer, *Radical Unionism*; Fred Bender to Earl Shields, 7 July 1938, Exhibit 7,

Maytag Case 18-c-183 file, Transcripts and Exhibits 507, RG 25. For Bender's background, see James T. Dunne, Field Examiner, 22–25 March 1939, Serval Case 11-c-540, RG 25; *St. Louis Globe-Democrat*, 21 September 1961; Case File, File 2, Serval Case 11-c-163, RG 25; unsigned, untitled reports on Fred Bender, Walter Hayden, John Griffin, Homer Loomis, Arthur Robinson, and Leo Brown in Folder 14, Box 1, Series 4, William Sentner Papers, Washington University, St. Louis. In the 1939 St. Louis city directory, Bender is identified as an RAI manager.

46. U.S. Senate, *Hearings before the Select Committee on Improper Activities in the Labor or Management Field*, Eighty-Fifth Cong., sess. 1, Pursuant to Senate Resolution 74, 30 and 31 October and 1, 4, and 5 November 1957, pt. 16, 6293–95; Investigator Irwin Langenbacher to Mr. Robert F. Kennedy, 18 October 1957, 18–181–462, Box 59, Select Committee on Improper Activities in the Labor or Management Field, RG 46, National Archives, Washington, D.C. RG 46 (including quote respecting Bender's work for public espionage.)

47. Gladys Gruenberg, *Labor Peacemaker: The Life and Works of Father Leo C. Brown* (St. Louis: Institute of Jesuit Sources, 1981), 26. See also the untitled synopsis of an interview with Father Leo Brown, Folder 14, Box 1, Series 44, William Sentner Papers.

48. Case 69, Regional War Labor Board, District 7, Kansas City, No. 111–3600-D; 67–279, in Father Leo Brown Papers, St. Louis University Law School, St. Louis, Missouri.

49. *St. Louis Globe-Democrat*, 28 December 1974; William Jacobs et al. to Floyd Early, 11 April 1946, Teamsters Lac0004r36sg21, Teamsters International Brotherhood of Teamsters Records: Digital Edition Produced from Microfilm 1904–1952, George Washington University, Washington, D.C.

50. *St. Louis Globe-Democrat*, 8 January 1948; 25 February 1956, and 29 April 1969, in Morgue files of the *St. Louis Globe-Democrat*, Mercantile Library, St. Louis; *St. Louis University News*, 9 January 1948, Father Brown Records.

51. Harry Vernon Ball Jr. "Case History of a Labor Union: The United Distribution Workers" (Ph.D. diss., Washington University, 1950), 205–10.

52. Ball, "Case History of a Labor Union"; Case 179, Mavrakos Candy (1949), Father Leo Brown Papers, St. Louis University; Fred W. Bender to Robert F. Kennedy, 18–23–108, Box 59, Select Committee on Improper Activities in the Labor or Management Field, RG 46, National Archives, Washington, D.C. Harold Gibbons was critically damaged by this campaign and made the transition to an alliance with the corrupt unionism of the Teamsters through this portal; see Robert Bussel, *Fighting for Total Person Unionism: Harold Gibbons, Ernest Calloway, and Working-Class Citizenship* (Urbana: University of Illinois Press, 2015), discusses Bender's role in bringing Gibbons down ultimately.

53. Floyd Early to William E. Jacobs, 5 April 1946; William Jacobs et al. to Floyd Early, 11 April 1946; Floyd Early to Associated Laundry Owners of Greater Kansas City, 13 April 1946 (quote), in Affiliated Bodies Series Local Unions, No. 586, Kansas City, Missouri, 1942–1952, Lac0004r36sg21, International Brotherhood of Teamsters Records (Digital Edition Produced from Microfilm 1904–1952, George Washington University, Washington, D.C.).

54. Jean-Christian Vinel, *The Employee: A Political History* (Philadelphia: University of Pennsylvania Press, 2013), shows that this was happening before the enactment of Taft-Hartley as a result of NLRB rulings. Then, after Taft-Hartley, the percentage of employees classified as supervisory rose considerably. Vinel argues it was not only solely due to conservative reaction, but a consequence of liberal beliefs in industrial harmony, emanating from an agenda set in the early twentieth century. On Fred Bender's later career, see Feurer, *Radical Unionism*. Bender became vice president of the National Citizens Protective Association and other Christian American organizations and connected them to business groups. For more evidence of Midwestern networks that kept these strategies alive, see David M. Anderson, "'Things Are Different Down Here': The 1955 Perfect Circle Strike, Conservative Civic Identity, and the Roots of the New Right in the 1950s Industrial Heartland," *International Labor and Working-Class History* 74 (Fall 2008): 101–23.

7 A Moderate Employers' Association in a "House Divided"

The Case of the Employing Printers of Columbus, Ohio, 1887–1987

HOWARD R. STANGER

The story of the Columbus, Ohio, commercial (book and job) printing employers' association highlights the importance of local context and fragmented alliances in employers' antiunion drives. From 1887 to 1945, Columbus's master printers collectively took a moderate approach to unionism, distancing themselves from the open-shop drives that were common in Ohio. Then, at the height of the supposed stability in labor management relations in the post–World War II era, they slowly plotted a course toward belligerency that came to fruition in the 1970s and 1980s. Their story is one of a long effort to consolidate a unified response to printers' unions. It also shows the extraordinary longevity of the open-shop elements in the industry. By investigating the tangled history of an employers' association at the national level as well as in Columbus, this study calls out the importance of locale and fragmented employer labor strategies.

Specifically, this study reveals how a decentralized industry structure, proprietary capitalists' diversity of ideologies and their desires for autonomy, and union tenacity made it challenging for the United Typothetae of America¹ (the main industry association) to centralize labor policy. It demonstrates how key external events exposed underlying policy differences and tensions among employers operating both individually and

collectively. From its 1887 birth until the late 1920s, when it decided to no longer set labor policy, the UTA experimented with policies and organizational structures designed to address the policy differences with mixed results. In the space created by internal labor policy differences, local associations and individual shops were generally free to create labor policy that best suited local conditions. The experience of the Columbus Typothetae (and its successors)² demonstrates how local and national factors and relations between the local and national associations combined in multiple ways at different times to create labor policy that best suited Columbus's master printers. It also reveals a historical experience different from those in the larger cities.

A House Divided

Commercial printing employers began organizing local associations in the 1880s in response to the printers' unions' push for shorter hours and tighter labor market controls, notably in the two largest printing centers in the country, New York and Chicago. In 1887, master printers from numerous locales formed the United Typothetae of America (UTA), which soon passed its first open-shop resolution to resist the International Typographical Union's (ITU) demand for a nine-hour day.³ The UTA held off the powerful ITU, inspiring commercial shop owners—mostly proprietary capitalists—across the nation, the vast majority of whom employed five or fewer workers, to join the UTA. By 1904, it boasted local associations in fifty-one cities and claimed to represent about half of all master printers and between 80 and 90 percent of the invested capital in the industry in their cities.⁴

But printing trade employers never were truly united, and chapters in communities across the country adopted a variety of labor policies. Formulating labor policy proved to be an ongoing challenge for the UTA because of shop owners' desire for autonomy, the relative strength of unions, and industry characteristics, including its decentralized structure, hypercompetitiveness, and low entry (and exit) barriers. The UTA found itself composed of two major groups with different labor policies. Historian Clarence Bonnett noted that, although the Typothetae cohered well as a trade association, it was divided in labor relations policies and practices.⁵

Until the late 1920s, the UTA attempted to balance the needs of both open-and closed-shop members by vacillating among centralized, decentralized, and no labor policy. Internal dissension between open and closed shops inhibited the creation and maintenance of a centralized and unifying labor policy, except at the cost of the departure of large groups of like-minded employers and institutional instability.⁶

The UTA's experience differed from more belligerent employers' associations for a few reasons. Many had constructive bargaining relationships with unions. In addition, quite a few were either former union members or still carried union cards. The industry—shop owners and employees—was largely composed of English-speaking, native-born (and even with native parentage) men who shared craft traditions and revered the patron saint of printing, Benjamin Franklin. The multitude of small shops scattered around the country enabled the formation of strong local traditions that varied within and across local labor markets.⁷

Although we know much about the policies of New York and Chicago employers' associations in this industry,⁸ Columbus, Ohio, where the typographical union established a permanent organization in 1859, produced different alignments. The Columbus Typothetae, which assumed multiple names over the years, was an association that maintained its moderate labor policy orientation into the 1960s despite being affiliated and unaffiliated with the UTA and operating in Ohio, the state that helped launch the open-shop movement and that nurtured many antiunion employers' associations.⁹

Labor Policy Conflicts in the United Typothetae of America: The Fight for the Eight-Hour Day and Forty-Eight-Hour Workweek

The UTA's internal labor policy debates and shifts can be seen in a number of key events before World War II, notably two nationwide strikes for shorter hours in the early 1900s and 1920s and attempts to construct nationwide labor-management bodies to negotiate labor contracts and resolve disputes amicably in 1898 and 1919. In between, UTA officers and delegates undertook lively debates at annual conventions and in the *Typothetae Bulletin's* pages. In the early twentieth century, it seemed possible that there would be a uniform policy for printing employers, but

Typothetae members, acting individually and through local associations, prevented uniformity.

The impulse to fight campaigns for shorter hours and worker power had animated employers, but union strength brought enough victories to divide employers. Although the UTA successfully thwarted the ITU's demands for a shorter workweek in the late 1880s, by the late 1890s, unions continued to demand and achieve the fifty-four-hour week and nine-hour day. Between 1898 and 1899, UTA shop owners conceded and reduced hours to nine in stages.¹⁰ Some were inclined to enter into negotiation with the union also. For open-shop delegates, some issues were nonnegotiable: allowing unions to enlist foremen as members, union labels, and closed shops.¹¹

Technological developments in the newspaper branch, which was more heavily unionized than commercial printing, renewed ITU demands for the eight-hour day. Linotype composing machines in the 1890s helped to make demands for shorter daily hours less controversial than in the smaller, more competitive commercial shops. With newspaper branch ITU members working shorter hours, unionized employees in commercial printing clamored for the same.¹² This led to a prolonged strike a few years later that damaged both national organizations, but especially the UTA, which emerged weaker organizationally but more militantly antiunion.

In 1902, around the time the UTA rejected the ITU's demand for an eight-hour workday, it signed a national arbitration agreement with the International Printing Pressmen and Assistants' Union (IPP). The five-year pact provided for the arbitration of all outstanding wage and shop practices, a no-strike clause, and the open shop. The ITU opposed the inclusion of an open-shop clause and scuttled a similar deal with the Typothetae. The UTA-IPP pact was not renewed in 1909 because IPP members elected a new president who opposed the open-shop clause.¹³

Employers also struggled to anticipate what level of control workers would demand, which escalated calls for belligerency. The ITU eight-hour-day demands proved popular and increased membership in 1905 to 46,734 in 690 locals.¹⁴ This growing power set in motion a countermovement among employers. In September 1903, the UTA leadership announced the "Declaration of Policy," which called for the open shop and opposition to both the union label and reduced working hours. In addition, the new policy encouraged solidarity to "secure uniform action ... to resist any

unwarranted or unjustifiable encroachments of labor organizations upon the rights of employers.”¹⁵

The 1904 UTA St. Louis Convention was conceived as a call for unity. Delegates listened as President George H. Ellis rallied them against the ITU: “Stand together from first to last, with no defections, and we will know better than we have known for some time past what freedom is. If we succeed in this ... we ... stand together in a way that shall mean ... freedom for the employer—not freedom to coerce the employe[e], but freedom from his coercion (Great applause).”¹⁶ Edwin Freegard, a former executive officer, elaborated on employers’ perceived loss of freedom from union controls in the National Association of Manufacturers’ *American Industries*: “such (union) domination is a drag upon enterprise, destroys business certainty, increases cost of production and imposes an unnecessary tax upon the public, as well as being a menace to harmony and good feeling between them and their employees.”¹⁷

Although shorter hours served as the catalyst for the national industry conflict that lasted from 1905 to 1907, the core issue was the open shop. By framing the impending strike as a struggle between union collectivism and proprietor individualism, the UTA succeeded in enlisting a number of local and national employers’ associations in the battle that launched the nation’s first open-shop movement in the Buckeye State, in 1903. Its staunchest supporters were the National Association of Manufacturers and the Citizens’ Industrial Association of America (CIAA). Both opposed the closed shop, the boycott, and the union label. Ten Typothetae locals had participated in the CIAA’s founding convention.¹⁸

The UTA’s open-shop advocacy led the ITU to stage a national strike, with eighty-eight locals participating. The result was mixed. In New York, employer solidarity was compromised over their competing attitudes toward unions and concerns with labor supply and lost profits, which led to a union victory. By 1907 most large firms there had conceded the eight-hour day and left the UTA; all but two of the city’s printers were union shops again. The UTA’s centralized labor policy meant that if individual shops and local associations failed to stand against the ITU, they would have to forfeit their UTA membership, which many did. Many also dropped their memberships in opposition to the UTA’s antiunion belligerency. Between 1904 and 1908, UTA membership fell by 45 percent, with only

150 active members. The ITU initially lost 9 percent of its membership but it soon recovered those losses.¹⁹

Aftermath: The UTA Goes Open Shop; Union Shops Bolt

In addition to heavy financial and membership losses and the concession of eight hours and the forty-eight-hour workweek by late 1907, the UTA refused to continue bargaining collectively with the ITU and found itself divided “so thoroughly that it could almost be said that there was a separate organization for every city and for every purpose within each city.”²⁰ At this time, Columbus’s union shops negotiated a single master contract independent of a Typothetae local, although some individual shops were UTA members.

Weakened from the strike and now mainly an open-shop body, the UTA modified its Declaration of Policy in 1908 by dropping references to the fifty-four-hour workweek and reverting to its prestrike labor policy that permitted local members to sign contracts with unions. It also added a few clauses that shaped its future strategy as a trade or educational association, as members often referred to it (e.g., pertaining to cost-awareness and industrial education),²¹ although labor policy differences continued to divide employers.²²

Union shop employers deployed a different approach. The Printing League of America, led by prominent New York City employer Charles Francis, by 1909 was a national organization of employers who maintained bargaining relationships with unions. In Chicago, owners formed the Ben Franklin Club but limited its activities to cost concerns. Franklin clubs sprouted across the Midwest and West and formed a weak national alliance that declined to engage in labor relations. A national Ben Franklin Club formed in 1912 and merged with the UTA in 1913, a union that lasted only until 1917.²³

Commercial printers often held overlapping memberships in these organizations, but the competition for dominance led to changes as the UTA attempted to unite the various organizations in both trade and labor matters. In 1909 it signaled to union employers that it was no longer antiunion by dropping its emergency strike fund and opting to aid members only in maintaining their status as either closed, open, or nonunion shops. No

longer would the UTA place shops on an “open basis,” but it retained its national labor bureau.²⁴

A Partial Solution: Labor Divisions, 1911–18

The UTA found a temporary solution to its open- versus closed-shop controversy at its Denver convention in 1911, when Charles Francis called for the creation of divisions that grouped employers into closed and open shops.²⁵ Much debate ensued within the UTA. Since union shops among the membership comprised about 60 percent of total UTA membership at the time, union employers’ support for this plan won the day over the old guard on the executive committee, who favored the open shop.²⁶

At the UTA’s Chicago convention in 1912, a small group of open-shop employers established the Open Shop Division (OSD) which represented high average plant size and commercial plants largely in the Midwest and West. Chicago’s T. E. Donnelley served as the group’s first chairman. During its first three years, the OSD provided assistance to struck employers until an incident occurred that called into question the OSD’s independence from the UTA and shifted the Typothetae’s labor policy once more.²⁷

In 1915, when the OSD supported a struck newspaper in New Orleans, UTA officers tried to rein in the OSD to avoid further embarrassment and conflict. The OSD protested this action at the UTA’s 1915 Los Angeles convention, but delegates agreed with their officers.²⁸ Some argued that the UTA was strictly a trade association and should avoid the labor question, but UTA officers interpreted the UTA’s constitution as not preventing them from addressing labor matters provided they did not apply labor policy to the entire membership.

Meanwhile, a group of employers amenable to the union and arbitration pacts established the Closed Shop Division (CSD) in 1916, bringing to fruition Charles Francis’s vision for a workable compromise on labor policy. The CSD signed a ten-year arbitration contract with the ITU that was voluntary but binding on the individual shops that signed it. Although few entered into the pact, it established a precedent for the inclusion of arbitration clauses into labor agreements between local employing printer associations and unions.²⁹ A UTA survey found that union members

employed in both closed and open shops comprised 60.4 percent of the total workforce. But disagreements over labor policy did not end and would soon radically reshuffle the relative distribution of open and closed shops.³⁰

By 1917 the UTA Chicago convention agreed to financial support for its two labor divisions, but OSD leaders remained displeased with their subordinate status. OSD leaders argued that the UTA was purely an education association and that World War I had strengthened the power of unions and begot labor agitation for wage increases.³¹ Unable to resolve the conflict in their favor, OSD member created a new, militantly antiunion organization, the Employing Printers of America, in November 1917.³² The departure of most OSD members led the UTA to shore up its division structure. A membership survey showed that out of 1,843 responses, 822 shops employed unionists. Overall, 60 percent of the employees in UTA shops were union. With these results, UTA officials felt that the OSD should be reorganized and that the two divisions should be treated equally within the UTA.³³

At the 1918 Cincinnati convention, A. M. Glossbrenner, an Indianapolis activist, assumed the OSD's new chairmanship. The status of the two divisions was readjusted by a constitutional amendment giving each division representation on the UTA Executive Council, which "shall at all times have direct supervision of the affairs of such branches, and no expense shall be incurred nor changes in policy permitted without the approval of the Executive Council."³⁴

The UTA attempted to find a solution to ongoing differences at its 1920 St. Louis convention with a proposed amendment that would create two autonomous labor divisions. Meanwhile, the OSD attempted to eliminate both divisions and the Bureau of Industrial Relations in order to remake the UTA into a pure trade association. For many, the proposal was too extreme and risky, and so the former resolution prevailed: a constitutional amendment gave complete autonomy to the two divisions and created a joint (open and closed shop) Industrial Relations Committee through which the two divisions could cooperate.³⁵ Furthermore, the UTA amended its Declaration of Policy to recognize the right of any member to choose its own labor policy, in keeping with the resolution to make the labor divisions autonomous.³⁶

From the American Plan to the End of Labor Policy, 1920–28

Responding to an ITU strike orchestrated to secure the forty-four-hour workweek in 1921, employers began taking a harder line against unions in response to labor's growing strength. Printing employers' resistance to union demands strengthened with their participation in a second national open-shop drive that swept across the nation in the early 1920s. The "American Plan," as it was known, reflected an environment of hyperpatriotism designed to combat labor and political radicalism. By late 1920 an estimated 540 antiunion organizations operated in 247 cities and 44 states, including dozens in Ohio. Columbus had a few open shop associations, but they were less active than those in Cincinnati, Dayton, and Cleveland.³⁷ The forty-four-hour strike, however, proved costly to the UTA, which lost 62 percent of its membership over the next decade. The tensions caused by the strike led to the demise of a fragile industrywide experiment in labor-management cooperation.³⁸

At its 1922 Cleveland convention, the UTA came out in support of the open shop.³⁹ This policy remained in effect until 1928, when the UTA repealed the provision for labor divisions in its constitution.⁴⁰ At the time, the *Tylothetae Bulletin* reported that roughly 75 percent of commercial print shops in the nation were running open shops. Their prevalence continued in many locales into the 1930s.⁴¹

Moreover, after much controversy, the UTA abolished the OSD and CSD divisions and made them "affiliated associations" prohibited from using the Tylothetae name. Their members, however, generally retained membership in the UTA. The divisions' representatives on the UTA Executive Council were removed, but the UTA preserved the joint Industrial Relations Committee for the two divisions because employers found it useful to them.⁴²

The two new labor associations changed their names to reflect their independence from the UTA. The OSD became the Open Shop Printers of America and opened an office in Boston, but it soon became dormant. The antiunion Employing Printers of America, formed in 1917, continued to operate into the 1940s. In 1923, the CSD became the new Printers' League of America⁴³ but had few members. In many cities, local associations had become completely open shop and refused to admit union employers. In

other cases, local associations left the UTA⁴⁴ because of the strike for a forty-four-hour workweek and a depressed economy. Under these circumstances, in October 1924, the new Printers' League severed its UTA connections in order to recruit union shop employers. This effort failed to reverse membership trends.⁴⁵ It and the Closed Shop Division had dropped out of sight.⁴⁶

When Things Fall Apart: The Demise of the UTA, 1930–45

With the upsurge of unions in the 1930s, union-shop employers realized the need for another national organization.⁴⁷ Between 1934 and 1936, employers established the Printers' National Association. By 1939, it included closed-shop groups in the major printing centers, including New York City, whose printers had been operating outside the UTA, and most of the larger union plants outside cities. Mostly, it served as a clearinghouse for labor information and was active into the 1940s.⁴⁸ The UTA maintained an open-shop orientation during the 1930s, but it began losing strength in the wake of labor organization and strikes. Printing unions had made considerable gains in numerous areas. After World War II, the UTA dissolved and was replaced by the Printing Industry of America, which included active open-shop and union-shop divisions.⁴⁹

Situating Columbus's Master Printers' Associations: Columbus before World War II

The UTA's history is instructive in explaining the labor policies of Columbus's master printers, but it is not the only factor. The social composition of its population and workforce, the nature of the business class and its economic development strategies, and the moderate craft-based labor movement also helped shape local labor policy.⁵⁰

Columbus is the state capital and was Ohio's third-largest city between 1870 and 1900. Business leaders showed a passive opposition to manufacturing and were more concerned with land speculation and transportation. A manufacturing base developed after 1870, led by iron and steel production, which was largely nonunion. The main firm, Buckeye Steel Castings, was established in 1886. Other local industries were mining

equipment, buggies, carriages, wagons, boots and shoes, and printing and publishing. In 1888, book, newspaper, and job printing ranked as the city's fifth in the number of establishments with forty-three, sixth in capital invested, fourth in the number of employees, and seventh in value of output. Still, Columbus's economy was mostly service oriented and concentrated in government, trade, commerce, and education, especially after the establishment of Ohio State University in 1870.⁵¹

With few exceptions, labor was generally calm. Conservative labor leadership in the Columbus Federation of Labor prevailed.⁵² A 1915 Columbus Chamber of Commerce pamphlet touted the city's business friendliness and its plentiful and docile labor supply. Ignoring the violent streetcar strike in 1910, it boasted, "Columbus has never suffered a severe industrial strike and its manufacturing establishments ... are free from disturbances of this kind. ... In fact, one of the strongest arguments for Columbus, industrially, is its freedom from labor troubles. ... And best of all, Columbus labor is American labor." Columbus's labor force was primarily White, generally unskilled, and cheap to employ, and it posed little challenge to the city's elite skilled trade unionists such as its printers. The Chamber of Commerce distinguished Columbus's labor scene from its neighbors' in Cleveland, Toledo, Akron, and Cincinnati, places where the mass influx of new immigrants had participated in labor conflicts.⁵³

Columbus employers were late to organize. When they did, they tended not to be stridently antiunion. For example, in 1912 and 1913 no employers' associations were listed in the Columbus City Directory. This situation contrasted starkly with employers' associations elsewhere in the Buckeye State, notably in Dayton, Cincinnati, and Cleveland.⁵⁴ Some open-shop associations formed early in the century and participated in the era's two national open-shop movements. The state's leading manufacturers established the Ohio Manufacturers' Association in 1910, which included a number of prominent Columbus firms. The Columbus Chamber of Commerce promoted the American Plan in 1919 and a year later accepted the United States Chamber of Commerce's open-shop platform. In 1920, when employers launched the American Plan nationwide, seventy-eight organizations declared their support, including those in Columbus.⁵⁵ Yet Columbus's organized employers were more antiunion in words than in deeds.

Organizing Columbus Printing Employers, 1887–1918

Only one Columbus delegate, L. D. Myers, helped to organize the United Typothetae of America in 1887, and for the next several decades Columbus master printers were loosely organized and often operated independent of the UTA. Myers, a commercial print-shop proprietor, became a member of the UTA's Committee of Permanent Organization.⁵⁶ By 1891, 58 percent of Columbus's printing shops belonged to the Columbus Typothetae, and in 1893 Myers became one of six UTA vice presidents. Over the next few decades, Columbus sent no delegates to the annual convention.⁵⁷ This was likely because, until 1919, Columbus's master printers created informal and temporary associations to address immediate needs. Several individual shops, however, had joined the UTA from its inception. Overall, Columbus's employing printers operated mostly outside local associations until the UTA helped to establish the Columbus Typothetae in 1919 as part of its organizing campaign.⁵⁸

Under the UTA's successful Three-Year Plan, which grew national membership from 1,630 in 1916 to 4,989 by January 1920, many local Typothetae associations were organized nationwide and in Ohio cities such as Toledo, Cincinnati, Cleveland, and Columbus. S. R. Southard, the Southard Novelty Company owner, became Columbus's first local Typothetae president in 1920. At the time, the Columbus Typothetae included twenty shops.⁵⁹ In 1920, the new Columbus Typothetae began publishing its *Bulletin* and received a salaried manager from the UTA's new cadre of professional secretaries.⁶⁰

Initially, labor relations played a small role in the Columbus Typothetae's affairs. The association kept its distance from the open-shop drive in the early 1920s. Its activities centered on labor supply. In early 1920, the Columbus Typothetae established the Labor Bureau to serve as a central clearinghouse to ensure a reliable and ample labor supply, which it complemented with its new Apprenticeship School, which opened in May 1921. Unlike other typothetaes, Columbus was not motivated to establish these local institutions for strikebreaking purposes.

Columbus's secretary, Alvin S. Dunbar, had experience with the labor division plan when he was secretary of the Kansas City association, which led him to advocate for the same in Columbus. Local officers discussed the plan's merits, and in 1922 they considered an appeal from the UTA's CSD

to establish a closed-shop division in the city. Instead, in June 1922 Columbus followed the lead of Cincinnati, Chicago, and other open-shop bodies that divorced themselves from labor relations. Columbus's members voted to become strictly a trade association and left labor policy to individual shops. Their decision followed both local practices and the national trends that culminated in a vote at UTA's 1922 Cleveland convention to dissociate the UTA's labor divisions. Before that convention, the Columbus Typothetae submitted an amendment to the UTA Constitution to discontinue the labor divisions.⁶¹ It would be another forty years before a division structure would emerge in Columbus.

Columbus Typothetae officers and forty-seven member shops informally united in opposition to strikes over the forty-four-hour workweek in 1921, though this never crossed over to an open-shop demand. The Columbus Typothetae also established an apprentice training school and followed the advice of both Dunbar and association secretary R. Reid Vance, who succeeded Dunbar, to purchase strike insurance. The Columbus Typothetae rejected joining the new militant National Forty-Eight-Hour League, which like-minded employers established in Cincinnati to defeat the strike. The Columbus shop of Sears and Simpson announced it was no longer a union shop and supported the American Plan but continued bargaining with unions while contracts remained in effect.⁶² Just as an existing labor contract with the Columbus ITU precluded a strike over shorter hours in 1906, a current labor agreement preempted another strike in 1921. Also contributing was the long history of cooperative labor relations.⁶³

This movement was impressive for a local industry of its nature, which was unstable and mostly nonunion. Between 1919 and 1925, Columbus lost 34 percent of its shops and experienced a 50 percent turnover rate between 1919 and 1930. Instability and insolvency affected both union and nonunion shops. In Columbus, more than 80 percent of its shops were open at that time. Not only was Columbus less unionized than the UTA, it had been so about a decade longer than the UTA.⁶⁴

Columbus Leaves the United Typothetae of America, 1928–45

In late 1928, still wrestling with poor local business conditions, bristling at relatively high dues, and dissatisfied with the quality of the UTA's member

services, the Columbus Typothetae left the UTA and formed the Printing Arts Association (PAA) of Columbus.⁶⁵ The Great Depression challenged the PAA as it intensified and led the PAA to endorse elements of the New Deal. Throughout the 1930s, the PAA devoted most of its energies to trade association activities—marketing, sales, and advertising.⁶⁶ Local labor issues were few.⁶⁷ The association cooperated with President Franklin D. Roosevelt's National Industrial Recovery Act (NIRA) and helped to formulate the new printing industry codes to promote stable prices and wages, which the U.S. Congress approved in February 1934.⁶⁸ The NIRA gave workers the right to organize and bargain collectively, and the Columbus printers feared that the act would empower workers at their expense.⁶⁹

PAA members opposed the 1935 National Labor Relations Act and the Social Security Act, fearing greater government concessions to unions and objecting to the constitutional basis of their enactment. In 1937, Ohio's printers created the Ohio Printers Federation to deal with such legislative matters. These responses were typical of employers' associations that sought to limit union and government intrusion into their business affairs.⁷⁰

Columbus's union membership grew during the 1930s, and the PAA became a communication network. It also joined the new Printers' National Association in 1936 to obtain information about labor relations issues outside Columbus. The Printers' National Association filled a void left by the UTA's abdication on labor policy in 1928.⁷¹ But even during this period of economic distress, the PAA and its unions maintained their tradition of cooperative labor relations.

During and after World War II, the PAA worked closely with local unions to ensure the availability of labor, prevent labor pirating, and uphold seniority rules. It also partnered with the federal War Manpower Commission to extend the workweek and with the War Labor Board to adjust wages.⁷² At the PAA's 1945 meeting, participants welcomed veterans and discussed G.I. Bill-sponsored training opportunities. The PAA's Apprentice Committee met with International Typographical Union (ITU) Local 5's officers to plan for veterans' transition back into the civilian workforce. The PAA also debated the idea of affiliating with the Printing Industry of America (PIA), a new association created to unite disparate graphic arts organizations. Initially 1,047 member companies, 469

members, and 19 affiliated associations joined the new national association. The PIA also absorbed the Printers' National Association and was evenly split between union and nonunion shops. One potential roadblock was the dues structure, a problem similar to the one that contributed to Columbus Typothetae's ending its affiliation with the UTA in 1928. Nonetheless, the war's end ushered in a new era for Columbus's master printers.⁷³

Slowly Becoming a Belligerent Employers' Association, 1946–59

Columbus's organized master printers began the long road to a more contentious labor relations policy in 1946 during a national strike wave. A key moment was their agreement to affiliate with the PIA, becoming one of its thirty-four affiliated local associations. The PIA offered membership services in four major areas—government relations, management services, public relations, and industrial relations—to the forty-one active and fourteen associate member shops in Columbus. The PIA had started providing industrial relations support in 1945 through its Union Employers Section (UES) for union shops and through its Master Printers of America (MPA) for open shops. The PAA of Columbus would draw upon these services more extensively over the next four decades, leading it down the road toward belligerency.⁷⁴ Columbus PAA president D. M. O'Donnell became a PIA director in 1946, initiating a link between the two organizations that grew into a more elaborate web of relationships, contributing to a dramatic shift in PAA labor policy after 1960 toward greater belligerency. The seeds of change occurred at the PAA annual meeting in December 1946, when Columbus hosted Oscar Whitehouse from the PIA's UES division to deliver "The Employers' Stake in Collective Bargaining" and discuss how to deal with the "problems involved."⁷⁵

The PAA, acting both alone and through the Ohio Printers Federation—and its successor, the Printing Industry of Ohio (PIO)—participated in legislative affairs to limit organized labor's power and to protect employers' general interests. In the late 1940s, the PAA helped finance the PIA's support for the antiunion Taft-Hartley bill. In 1958, along with the PIO, the PAA supported a right-to-work bill in Ohio that organized labor, including the ITU, successfully killed. The lines in the sand were beginning to be drawn.⁷⁶

Yet even as these events unfolded, the PAA and local printing unions continued their well-functioning, low-conflict collective bargaining relationships that consisted of multiemployer bargaining units and multiyear agreements involving about a half dozen unions. Employers continued to negotiate with unions with minor exceptions, masking the changes that were slowly emerging.⁷⁷

In a parallel universe, nonunion employers went about their business quietly, not yet taking their marching orders from PIA headquarters. But small changes first appeared in 1950, when the PAA—and Local 5—started using aptitude testing for job candidates, a subtle antiunion policy promulgated by management consultant Nathan Shefferman.⁷⁸ Some local nonunion shops also took an interest in the PIA's new antiunion foreman training program.⁷⁹ Nevertheless, the PAA's affiliation with the PIA during the first decade and a half seemed on the surface stable.

Columbus Master Printers Formalize Labor Policy and Turn Belligerent, 1960–87

After 1960 noticeable changes occurred in the PAA's labor policies and practices that could be traced to the national PIA's influence. For example, the PAA created the Union Employing Printers Division (UEPD) in 1961, following the leads of both the old UTA and its successor, the PIA. Printing Arts Association President William Heer, head of an old established printing firm, indicated a “growing need for a more *formal* organization of the Union Employers to discuss and act on such matters as had been previously presented.” William Planson was selected chair of the UEPD, which called for Uniform Shop Rules in fall 1961 for both union and nonunion shops.⁸⁰

Columbus's open-shop owners formed an auxiliary group, the Master Printers Section, which created the Foreman Management Course for supervisors in 1964. Union shop foremen soon joined their nonunion counterparts in the course, reducing the differences between approaches to labor relations in open and closed shops. Moreover, Secretary Vance promoted the PIA's national strike insurance program for both union and open shops to protect against rising union militancy.⁸¹

The shift in labor policy became clear in 1964 when the PAA hired William Stickney to assist Vance. Stickney was a manager at Swift and Company, a unionized packinghouse with adversarial labor relations. Vance and Stickney created programs for open-shop members, including the Certificate of Craftsman Program, a hospitalization insurance plan similar to the union plan, a revised set of hiring requirements, and, perhaps most portentous, “requisites for maintaining an open shop.” At the time, the PAA hired a labor attorney to review contracts and offer guidance to union employers to complement the PIA’s UES service. The 1960s thus ushered in a new labor relations environment in the Columbus printing trades, one consistent with national labor trends. The seeds of change that had been planted a decade before in Columbus’s nonunion sector were now sprouting. In 1966, Stickney replaced Vance as executive secretary, although Vance continued to serve as an adviser. He had been an important link in sustaining cordial relations with local unions. That link was loosening.⁸²

After a merger with the Lithographers National Association in April 1964, the former PIA changed its name to the Printing *Industries* of America (PIsA). At its 1966 annual meeting, Columbus master printers voted to change the association’s name to the Printing Industry of Central Ohio (PICO), effective 1 January 1967, “to secure a name which is more descriptive of our industry and the area serviced.” The industry was expanding into the suburbs in the postwar period. 1966 also saw the beginning of the erosion of multiemployer bargaining when American Educational Publications (AEP), the largest local firm, withdrew to negotiate contracts alone with its unions.⁸³

By decade’s end, Columbus’s printing industry fully embraced an antiunion philosophy consistent with a typical employers’ association. Glenn Gornall, vice president of Columbus’s West Camp Press and a recent graduate of the MPS Management Institute on Industrial Relations, in Chapel Hill, North Carolina, was the keynote speaker at the special local MPS meeting in 1967. Gornall spoke about current industrial relations “problems” and how to avoid future ones.⁸⁴

Following the pattern set by the PIsA, the local MPS ramped up its educational offerings and played a more prominent role in PICO labor policy. In April 1968, it hosted a dinner to discuss the threat of labor organizing at which it showed a film made by the PIsA’s MPA, followed by

a question-and-answer session with a PIsA attorney. In addition, for the first time, PICO offered the PIA-GATF Foreman Management Training Program taught by Stickney. The sessions covered human relations, job instruction, and productivity enhancement. The Columbus MPS also showed *The American Way*, a propaganda film promoting the history of the open-shop philosophy in the printing industry that brought back the old UTA ghost.⁸⁵ These efforts were designed to both contain union advances and prevent new organizing.

The seventy-nine-member PICO continued to engage in productive collective bargaining, but PIsA's influence was becoming more apparent. In May 1969 at the local UEPD's spring meeting, a seasoned executive director of the PIsA's union division spoke about "Current Trends in Printing Collective Bargaining," which generally dealt with countering union advances and gaining a free hand to implement new technology without union resistance.⁸⁶

The 1970s was a watershed period of economic recession, high inflation, and greater competition, which caused PIsA membership rolls to decline. Moreover, conflict internal to the PIsA nearly led the UES and MPA divisions to depart and echoed the rifts over labor policy within the UTA a half-century before. In Columbus, the MPS and UEPD grew increasingly hostile to union organizing, and the UEPD took more aggressive bargaining positions. By decade's end, unionism declined along with multiemployer bargaining. By 1980, the trends that had first emerged around 1960 were fully in place.⁸⁷

Printing industry employers became more organized in a clear attempt to equip members with union avoidance skills. In the early 1970s, for the first time, PICO's MPS wrote a constitution and by-laws, elected officers, and began a newsletter. It also offered an industrial relations workshop called "Organizing," in which actors depicted workers' attempts to unionize a printing plant. The PIsA MPA executive vice president, Don Sommer, and legal counsel John H. Doesburg Jr. participated. Both had worked for Chicago's R. R. Donnelley and Sons, a long-time open-shop bastion. They were likely pleased to see the local MPS's enthusiasm for hardcore open-shop methods.⁸⁸

According to a 1971 survey, PICO members often requested labor services related to hiring, worker's compensation, apprenticeship, and industrial relations and generally favored the PIsA's MPA services to its

union-focused offerings. Two years later, another PICO poll showed that the two most important PIsA services were Industrial Relations—Open Shop and Industrial Relations—Union Shop, which likely reflected the relatively low union density in Columbus. This climate was a major change from the longstanding focus on trade association–related services related to cost-accounting and marketing, which now ranked below labor-related ones. In 1972, PICO created an industrial relations manual, “the most complete assembly of open shop industrial relations information ever presented in our industry.”⁸⁹

But the event that agitated PICO members toward antiunionism originated outside Columbus. In 1972, as a result of cost efficiencies, the relocation and changing ownership of printing plants, technological changes, and more intense competition, the International Brotherhood of Bookbinders and the Lithographers and Photoengravers International Union merged to create the Graphic Arts International Union (GAIU). In 1973, the much larger International Pressman and Assistants Union merged with the International Stereotypers’, Electrotypers’, and Platemakers’ Union to form the International Printing and Graphic Communications Union (IPGCU). The GAIU consolidated locals into larger regional bodies and aggressively organized open shops in Ohio. For example, the growth and activities of GAIU Local 508 OKI, a superregional local based in Cincinnati, spurred the Columbus MPS with the aid of PIsA to become more regionally focused on union threats.⁹⁰

Although most union organizing occurred in the Cincinnati area, PICO sent representatives there to learn more about Local 508 and its operations and to work with the Cincinnati master printers association to defeat organizing drives in Columbus. In addition, PICO encouraged members to participate in the PIsA’s Voluntary Assistance Plan to counter organizing drives and to participate in the Craftsmanship Awards that recognized individual achievements and attempted to instill craft pride in employees. Promoting individualism had always been central to open-shop advocates. A few Columbus MPS members attended the Ninth Annual MPA Industrial Relations Seminar held at Vanderbilt University to learn from antiunionist Charles L. Hughes, who presented “Making Unions Unnecessary.” Hughes developed what MPS referred to as “advanced personnel concepts” while employed at Texas Instruments. Columbus master printers also participated in PIsA’s Supervisors Conference held in Columbus in 1975.⁹¹ The

Columbus MPS—and the PIsA—engaged in an all-out war against unions that lasted into the 1980s, as the GAIU and other unions devoted more attention to consolidating locals and organizing new members to replenish their depleted ranks.⁹²

PICO's and PIsA's antiunion activities were part of a wider movement that flowered in size, scope, and sophistication after 1970. This employers' offensive originated in the late 1950s and escalated between 1965 and 1973. From the mid-1960s to the early 1980s, the rank and file rebelled against both management and bureaucratic union leadership by participating in wildcat and traditional strikes, contract rejections, and internal union democracy movements. Labor activism peaked between 1970 and 1974. In this context, union-avoidance consultants—lawyers, industrial psychologists, and labor consultants—thrived. One was Hughes, who cofounded the Dallas-based Center for Values Research in 1974, whose services helped organizations stay union-free. By the mid-1980s, he had trained tens of thousands of managers—including Columbus's master printers—to keep unions at bay. Many read his popular book, *Making Unions Unnecessary*.⁹³

Despite larger trends that favored employers, the PIsA's Union Employers of America (UEA) (generally referred to as UES) felt threatened by union organizing activities and railed against “the oppressive demands of the high wage and fringe costs, restrictive work practices and shorter workweeks with costly overtime penalties.” PICO's UES (formerly UEPD), fearing the prospects of growing union power from mergers, and after a strike at Yaeger Typesetting in January 1973, began preparing shops to thwart organizing attempts and to take tougher bargaining positions. This included encouraging UES members to join the PIsA Strike Insurance Plan. The PIsA created a new program called REGROUP 74 “as an initial step in collective action to deal with this problem.” A tepid initial response by union shops led the PIsA's UES to approve a referendum vote in April 1975 to assess each member \$2 per union employee per year for additional services. PICO's board gave its full support to this action. PICO changed the plan's name to the Full Service Membership Program in 1976. By June, the Columbus UES had 100 percent participation in the program. Printers hedged their bets as they entered into negotiations that fall to renew twenty separate contracts.⁹⁴

As the open-shop sector continued to grow, unionized employers experienced higher relative costs in an industry that historically had low profit margins, which contributed to their aggressive antiunionism. Generally, Columbus's printing industry was doing well, growing at the fourth-fastest rate in the nation between 1967 and 1972.⁹⁵ But the nonunion shops performed better than the unionized ones. By the mid-1970s, as Columbus's UES began renegotiating contracts with the pressmen, typographers, and a pair of bindery unions, the multiemployer structure was splintering.⁹⁶ In 1976, Local 5 surprised PICO's UES by unilaterally withdrawing from the multiemployer unit to bargain alone with the largest firm, National Graphics. This legally suspect action, in light of the typographers' request to open negotiations early, prompted the UES to remark, "The move by the ITU, coupled with the pressmen's (similar) reported action and recent experience with the GAIU, indicates increased coordination by local unions. The concept of united action against employers becomes more apparent each day." Meanwhile, GAIU 508 struck the shop of Warner P. Simpson Company, which threatened to permanently replace strikers, and engaged in a short strike against National Graphics. It also was involved in a seventeen-week strike against the Columbus Bank Note Company and a shorter one in Cincinnati.⁹⁷

Bargaining structure changes also affected another longstanding Columbus tradition—pattern bargaining. Since the early 1900s, the *Columbus Dispatch's* contract with ITU Local 5 established the pattern in Columbus's printing trades that the other employers and unions followed in setting wages and benefits. By the late 1970s, however, GAIU 508's lithographer agreements with Cincinnati employers became the pattern setter, although with the decline of multiemployer bargaining it was hard to predict with any certainty if this pattern would stick.⁹⁸

Multiemployer bargaining units continued to fragment in the 1980s. For example, at the start of 1977, ten bindery firms remained in the group, whereas four others separately negotiated identical contracts. Eleven shops signed a master contract with the pressmen's union, and three others signed similar—but not identical—deals. Five shops bargained separately with GAIU 508, and fourteen employers negotiated a master contract with Local 5, down from a peak of twenty-five. Four other shops concluded individual deals with Local 5. By the mid-1980s, only seven firms remained in the multiemployer bindery unit, ten in the pressmen group, and eleven in the

typographical unit. Forty-five contracts were operational in Columbus in 1983, but seven ended when Xerox Educational Center, formerly AEP, phased out most of its local operations in June 1983.⁹⁹

Dramatic labor policy changes were evident in Columbus's printing industry after 1960. Especially significant was the creation and converging of educational programs for open and union shops and less emphasis on trade association services; a formal labor division structure similar to the national association's; closer interpersonal and institutional linkages between the local and national association; the decline of multiemployer bargaining structures and changes in pattern bargaining; and an emphasis on remaining union-free. Whereas once Columbus's labor policies and practices were shaped and conditioned by the local environment, after World War II, they tracked national patterns very closely.

Making Sense of Columbus

The United Typothetae of America's labor policy vacillations and the local economic, social, and labor context of Columbus shaped its organized master printers' association's policies, which generally differed from other employers' associations. Specifically, the UTA's inability to formulate and maintain a central labor policy provided the space for the Columbus association to develop policy conditioned by its local environment. Before 1960, this meant relatively cordial industrial relations and a weak commitment to open-shop principles. After 1960, they reflected a typical employers' association, which was characterized by antiunionism. The Columbus association had transitioned from being a negotiatory to a belligerent employers' association. This shift occurred long after the 1900–1920 period, when other associations had made that transition.

No single factor explains the labor policies of Columbus's organized master printers over the years, although some can be identified. Before 1940, Columbus's conservative business community carefully managed economic development and purposely created a sheltered economy of largely homegrown and mainly small businesses. A craft-based labor movement and a homogeneous population combined with the business class to create labor peace and limited employer organization. Within the printing industry, shared craft traditions created and maintained a cooperative labor relations system reinforced by strong interpersonal relationships between

association and union officers that lasted for many decades. Although Columbus's printing industry was mainly nonunion, ITU Local 5's contracts with the newspapers and important commercial printing shops established the wage pattern that both open- and closed-shop printing employers accepted. Cooperative employee and labor relations prevailed for decades.

After 1940, however, the nature of Columbus's economy contributed to a change in policy. Columbus's population rose significantly during the 1940s. The war brought the Curtiss-Wright Corporation aircraft plant. Curtiss-Wright's unionized workforce soon constituted 30 percent of all manufacturing workers in Columbus and contributed to the growth of the local Congress of Industrial Organization (CIO) membership in Columbus. The war also expanded AFL membership.¹⁰⁰ After the war, Columbus attracted additional national firms to the area. Branch plants of major industries built factories in the area; between 1940 and 1953, fifty-four new plants were established. By the late 1950s, outside capital controlled less than 20 percent of all plants but employed roughly 50 percent of the workforce. They also imported more adversarial industrial relations practices.¹⁰¹

Manufacturing increases did not make Columbus an industrial Mecca, however. The share of the workforce engaged in production increased from 26 percent in 1939 to 43 percent in 1944 but retreated to 29 percent in 1951 and to 19.4 percent in 1979. The homegrown business class preferred stability and slow growth and did not want Columbus to become a blue-collar (read: unionized) city. Columbus's economy remained concentrated in government, education, and financial activities throughout the postwar period.¹⁰²

Industry-related factors also contributed to Columbus's master printers' increasingly belligerent labor policy, notably the roles of the national printing association, the Printing Industry of America (PIA) and its successor the Printing Industries of America (PIsA) and technological change. The PIA promoted union avoidance and hard bargaining through its educational offerings and professional legal and labor services. Unlike the former UTA, which eventually failed to create a uniform labor policy in the 1920s, the PIAs were more successful at developing a policy that sought either to prevent unions from forming or to limit their control in workplaces. In this respect, the PIAs were part of the broader management

offensive against unions that began in the late 1950s and early 1960s and remains alive in the twenty-first century. This antiunion philosophy continues a longer history of U.S. management's "unitarist" ideology rooted in opposition to state and union interference in the labor market and entrepreneurial control of business enterprises.

In the 1960s, influenced by PIA labor policy and national trends, the Columbus association constructed a more centralized policy with formal union and open-shop divisions that over the next few decades converged toward antiunionism. Moreover, Columbus officials became more integrated into the national association, holding high-ranking positions where they helped to formulate and implement hardline policies, nationally and in Columbus. Before the Columbus association reaffiliated with PIA in the mid-1940s, Columbus's officers limited their relationships to participating in local business association affairs.

Technological change after 1960 in printing that heightened competition, blurred craft jurisdictions, and weakened unions created the incentive for local printing establishments to abide by the PIA's more aggressive antiunion policy. Although there is some debate over the relative importance of the main causes of union decline in the industry after 1960, technological change, industrial restructuring, and management aggressiveness were the biggest factors in reshaping the industry and labor relations.¹⁰³

Conclusion

Commercial printing's peculiarities—shared demographics and craft traditions and the predominance of small business owners in a highly decentralized industry—made it difficult for the UTA to develop and maintain a unified labor policy throughout its history. In the space left by the Typothetae, individual shops and associations crafted their own policies that were shaped by local circumstances. Much has been written about New York City's and Chicago's printing industries, but there were many others that have not been studied. This chapter describes one mid-sized Midwestern association whose experience differed from the main printing centers'. It also calls attention to a different periodization in explaining collective employer behavior.

Notes

1. The Typothetae was both an employers' association and a trade association, a makeup that caused internal friction over identity and policy.

2. This essay is derived from a previous publication: Howard R. Stanger, "From a 'Negotiatory' to a 'Belligerent' Employers' Association: Organized Master Printers of Columbus, Ohio, 1887–1987," in *Advances in Industrial and Labor Relations*, 17, 69–125 (2010). Copyright by Emerald Group Publishing Limited. Used with permission. Refer to this article, including the endnotes, for more detailed information on Columbus.

3. Robert M. Jackson, *The Formation of Craft Labor Markets* (Orlando, FL: Academic Press, 1984), 277–85; George E. Barnett, "The Printers: A Study in American Trade Unionism," *American Economic Association Quarterly* 10, no. 3 (October 1909): 335. The word "Typothetae" has Greek origins and means type-placers. New York City master printers first used the Typothetae name when they organized a local association in 1865 (Clarence Bonnett, *Employers' Associations in the United States: A Study of Typical Associations* [New York: Macmillan, 1922], 226); Leona M. Powell, *History of the United Typothetae of America* (Chicago: University of Chicago Press, 1926), 16–17, 20–21; John C. Hill, *History of the Conventions* (Washington, DC: United Typothetae of America, 1936), 3. The UTA did not use the term "open shop," but it was intolerant of union control over hiring and other labor market decisions.

4. Most shops remained small into the 1920s: 75% employed five or fewer hands. Only 3% had more than fifty employees (Powell, *History of the United Typothetae*; Richard Schneirov, *Labor and Urban Politics: Class Conflict and the Origins of Modern Liberalism in Chicago, 1864–97* [Urbana: University of Illinois Press, 1998], 251).

5. Powell, *History of the United Typothetae*, 21–22; Clarence Bonnett, *Employers' Associations in the United States: A Study of Typical Associations* (New York: Macmillan, 1922), 227.

6. Bonnett, *Employers' Associations*, 22–24, classifies employers' associations into two categories: belligerent associations that fought unions and negotiatory ones that practiced collective bargaining. In practice, they were sometimes not mutually exclusive. See also Powell, *History of the United Typothetae*, 22; Jacob Loft, *The Printing Trades* (New York: Farrar and Rinehart, 1944), 170.

7. F. A. Silcox, "Standardization and Cooperation in the Printing Industry," *Proceedings of the Academy of Political Science in the City of New York*, 9, no. 4 (January 1922): 46–60; Gerald Berk, *Louis D. Brandeis and the Making of Regulated Competition, 1900–1932* (Cambridge, UK: Cambridge University Press, 2009), 186; and Andrew W. Cohen, *The Racketeer's Progress: Chicago and the Struggle for the Modern American Economy, 1900–1940* (Cambridge, UK: Cambridge University Press, 2004).

8. See, for a typical example, Jackson, *Formation of Craft Labor Markets*.

9. Howard R. Stanger, "Cooperation, Conciliation, and Continuity: The Evolution of a Modern Grievance Procedure in the Columbus Typographical Union No. 5, 1859–1959" (Ph.D. diss., Ohio State University, 1994).

10. The agreement included the UTA, ITU, the International Printing Pressmen and Assistants' Union, and the International Brotherhood of Bookbinders. Pressmen, bookbinders, stereotypers, and photoengravers left the ITU between 1888 and 1903 and became separate national unions. The Syracuse Agreement signatories agreed to attempt to equalize union wage rates in competitive markets in return for reduced hours, but the national unions had difficulty in forcing their locals to set rates (Loft, *Printing Trades*, 11, 85, 185–89; Powell, *History of the United Typothetae*, 85).

11. Powell, *History of the United Typothetae*, 41–42.

12. Loft, *Printing Trades*, 45–46.

13. Powell, *History of the United Typothetae*, 48–49; Loft, *Printing Trades*, 255–56.

14. *Ibid.*, 52.

15. *Ibid.*, 55.

16. The UTA established the National Bureau of Information in 1904 to serve as a clearinghouse for labor-related information for the entire printing industry (Bonnnett, *Employers' Associations*, 241–42); *Proceedings of the Eighteenth Annual Convention of the United Typothetae of America* (20–23 June 1904), 8.

17. Edward Freegard, *American Industries* (1 December 1904), 13. See also Hill, *History of the Conventions*, 31–41.

18. Vilja Hulden, “Employers Unite! Organized Employers React to the Labor Union Challenge in the Progressive Era” (Ph.D. diss., University of Arizona, 2011), 190; Powell, *History of the United Typothetae*, 57–58.

19. Barnett, *The Printers*, 343; Powell, *History of the United Typothetae*, 65–67.

20. Quoted in Barnett, *The Printers*, 345; Leona M. Powell, “The Typothetae Division Plan and the Amalgamation Movement,” *University Journal of Business* 4, no. 2 (April 1926), 123–50.

21. The UTA established training schools in New York City and Chicago to furnish strikebreakers during the 1905 strike. The National Association of Manufacturers supported the New York school financially and had its *American Industries* bulletin printed by trainees. In 1906, it launched a training program in conjunction with Indianapolis’s Winona Technical Institute, likely to make strikebreakers available during the national strike (Bonnnett, *Employers' Associations*, 255–56; Hill, *History of Conventions* 1936, 49–51, 67, 81).

22. Powell, *History of the United Typothetae*, 75, 102–3.

23. Loft, *Printing Trades*, 173; Jackson, *Formation of Craft Labor Markets*, 294–98; Hill, *History of the Conventions*, 65, 74.

24. Hill, *History of the Conventions*, 55–57; Powell, “Typothetae Division Plan.”

25. *American Printer*, July 1902: 449–51.

26. The Typothetae of Kansas City, Missouri, the UTA’s largest with fifty-one shops almost evenly split in union status, had been operating along the division plan since 1909. Powell, “Typothetae Division Plan.”

27. Powell, *History of the United Typothetae*, 131–33.

28. Powell, *History of the United Typothetae*, 133; Loft, *Printing Trades*, 176, 204.

29. Powell, *History of the United Typothetae*, 135–37; Loft, *Printing Trades*, 256.

30. Loft, *Printing Trades*, 177.

31. Powell, *History of the United Typothetae*, 139.

32. The Employing Printers’ of America later embarked on an aggressive open-shop campaign and fought to maintain the 48-hour workweek in the 1920s (Emily Clark Brown, *Book and Job Printing in Chicago* [Chicago: University of Chicago Press, 1931], 221–25; Loft, *Printing Trades*, 177).

33. Powell, *History of the United Typothetae*, 141.

34. *Ibid.*, 140–44.

35. *Ibid.*, 152–53.

36. Loft, *Printing Trades*, 176.

37. A. J. Hain, “Nation Swinging to the Open Shop,” *Iron Trade Review* 67 (23 September 1920): 846–52; R. W. Dunn, *The Americanization of Labor* (New York: International, 1927), 21–30.

38. Powell, *History of the United Typothetae*, 156–57; Emily C. Brown, “Book and Job Printing,” in *How Collective Bargaining Works*, ed. Harry A. Millis (New York: Twentieth Century Fund, 1942), 133.

39. Powell, *History of the United Typothetae*, 158.

40. Brown, “Book and Job Printing,” 133; Loft, *Printing Trades*, 178.

41. The UTA undertook surveys of its members to ascertain open-shop conditions, but the response rates and samples varied, leading to a range of findings reported here (*Typothetae Bulletin*, 18 September 1922, 5–6; Brown, “Book and Job Printing,” 133).

42. Powell, *History of the United Typothetae* 158; Hill, *History of the Conventions*, 85–86.

43. The original Printers’ League of America had practically gone out of existence.

44. Individual shops retained their memberships in the UTA (*Typothetae Bulletin*, 24 October 1924, 116).
45. The Printers' League of America's individual shops could retain their membership in the United Typothetae of America (*Typothetae Bulletin*, 27 October 1924, 160–61).
46. Powell, *History of the United Typothetae* 159–60, 163; Brown, "Book and Job Printing," 133.
47. Brown, "Book and Job Printing," 137; United Typothetae of America, *Labor Divisions in United Typothetae of America* (Chicago: UTA, 1922), pt. 3, 12–16.
48. Brown, "Book and Job Printing," 136–38; Elizabeth F. Baker, *Printers and Technology: A History of the International Printing Pressmen and Assistants' Union* (New York: Columbia University Press, 1957), 307.
49. Brown, "Book and Job Printing," 133; Loft, *Printing Trades*, 178; Baker, *Printers and Technology*, 307–8.
50. On Columbus's development, see Stanger, "'Negotiatory' to a 'Belligerent' Employers' Association.
51. Alfred E. Lee, *History of the City of Columbus; Capital of Ohio*, vol. 2 (New York: Munsell, 1892), 315–40; Henry L. Hunker, *Industrial Evolution of Columbus, Ohio* (Columbus: Ohio State University Press, 1958), 1–17, 29–34, 39–63; Michael S. Speer, "Urbanization and Reform: Columbus, Ohio, 1870–1900" (Ph.D. diss., Ohio State University, 1972); Henry L. Hunker, *Columbus, Ohio: A Personal Geography* (Columbus: Ohio State University Press, 2000). For more on Buckeye Steel, see Mansel G. Blackford, *A Portrait Cast in Steel: Buckeye International and Columbus, Ohio, 1881–1980* (Westport, CT: Greenwood Press, 1982). Also see Betty Garrett with Edward R. Lentz, *Columbus: America's Crossroads* (Tulsa, OK: Continental Heritage Press, 1980), and Ed Lentz, *Columbus: The Story of a City* (Charleston, SC: Arcadia, 2003).
52. Edward R. Lentz, "The Question of Community: The 1910 Streetcar Strike of Columbus, Ohio" (M.A. thesis, Ohio State University, 1970); Warren R. Van Tine, *A History of Labor in Columbus, 1812–1992* [Working Paper 010] (Columbus: Ohio State University Center for Labor Research, 1992); Van Tine, *Columbus Timesheet: A Chronological History of Labor in Ohio's Capital, 1812–1992* (Columbus: Ohio State University, 1992), 16; Michael Pierce, "The Pursuit of Self-Interest" (seminar paper, Department of History, Ohio State University, 1993), in author's possession.
53. Emphasis added by author. Columbus Chamber of Commerce, *Columbus, Ohio: Industrially and Commercially* (Columbus, OH: Columbus Chamber of Commerce, 1915), 11; Lentz, "Question of Community," 1–27.
54. Columbus Chamber of Commerce, *Columbus, Ohio: Industrially and Commercially* (Columbus, OH: Columbus Chamber of Commerce, 1915), 11. *American Employer*, September 1912, 125; October 1912, 186; August 1913, 53–54.
55. F. W. Hilbert, "Employers' Associations in the United States," in *Studies in American Trade Unionism*, ed. Jacob H. Hollander and George E. Barnett (London: Hodder and Stoughton, 1905; repr., New York: Holt, 1970); *Civic Progress*, August–October 1920, 7; *Iron Trade Review*, 23 September 1920, 846, and 11 November 1920, 1340–42; *Columbus City Directory* (Columbus, OH: R. L. Polk), 1920.
56. UTA, *Proceedings*, Chicago, Illinois, 1887.
57. See *Columbus City Directory* from 1888 to 1920 and *UTA Proceedings* from 1888 to 1919.
58. From 1888 through 1920, the *Columbus City Directory* lists the Columbus Typothetae only between 1887 and 1897, although the UTA's *Typothetae Bulletin*, first published in December 1907, reported in June 1908 that the Columbus Typothetae consisted of "the majority of the better shops in Columbus ... (whose) object is to create good fellowship among members and educate them as far as possible in the matter of figuring prices, and annually give a picnic." Columbus's Ben Franklin Club existed from 1910 to 1914. The Union Employing Printers' Association (UEPA) appears in the 1915 and 1916 city directory, although it had signed local labor contracts with the Columbus

Typographical Union since 1903. It is likely that the UEPA was also a loose body whose sole function was to negotiate local master contracts with unions every few years. Ben Franklin Clubs focused on trade and craft matters (*Typothetae Bulletin*, June 1908, 1; *Ben Franklin Monthly*, September–October 1910, 43–44; *Chamber Chimes*, June 1914, 5).

59. *Typothetae Bulletin*, July 1918, 24–25; November 1918, 16–29; January–February 1919, 4, 10–11; March–April 1919, 14; July 1919, 9; February–March 1920, 13; August 1920, 1–2.

60. *Typothetae Bulletin*, November 1910, 18, February 1916, 11, 6 August 1923, 300; *Bulletin of the Columbus Typothetae* 25 February 1920 and 25 August 1923; Minutes, Columbus Typothetae, 27 January 1920. Primary sources for the Columbus Typothetae and its successor organizations (Printing Arts Association and the Printing Industries of Central Ohio) are not in the public domain. William Stickney, the former executive director of PICO, granted me permission to use them. These sources will be abbreviated as *Columbus Typothetae Minutes*.

61. The Columbus Typothetae was joined by the Chicago Typothetae, the Ben Franklin Club of St. Louis, and the Milwaukee Typothetae, which filed similar amendments between late August and early September 1922 (*Typothetae Bulletin*, 11 September 1922, 5; *Columbus Typothetae Minutes*, 20 May 1920, 21 January 1921, and 13 February 1922).

62. *Columbus Typothetae Minutes* of 11 October 1920, 20 January 1921, 14 February 1921, 28 February 1921, 14 March 1921, 11 April 1921, 20 May 1921, 14 November 1921, and 9 January 1922.

63. Stanger, “Cooperation, Conciliation, and Continuity,” 232–50.

64. Nancy J. Maradie, “A Mixed Review: Instability in the Midst of a Stable Union: Columbus, Ohio, Printers, 1919–1929” (M.A. thesis, Ohio State University, 1984).

65. *Columbus Typothetae Minutes*, 10 and 28 December 1928 and 11 January 1929; *Printing Arts Association Bulletin* (PAA Bulletin), 15 January 1929, 1. Records and publications of the Columbus Typothetae and its successor organizations were at the time when I conducted this research privately held and uncatalogued in the offices of the Printing Industry of Central Ohio.

66. PAA Bulletin, 6 February 1930.

67. PAA Annual Manager’s Report, 1931 and 1932; PAA Minutes, 20 July 1931.

68. PAA Minutes, 24 February 1934. See also Stanger, “‘Negotiatory’ to a ‘Belligerent’ Employers’ Association,” 115.

69. PAA Board of Trustees Minutes, 21 March 1934.

70. R. Reid Vance, memo to members, 21 May and 6 June 1935; PAA Bulletin, 24 July 1936; PAA Minutes, 13 December 1937.

71. PAA Secretary’s Annual Report (1942); Loft, *Printing Trades*, 266.

72. PAA Minutes, 14 December 1942; Vance, memos to members, 31 October 1942 and 5 January 1943.

73. PAA Minutes of Annual Meeting, 10 December 1945; PAA Bulletin, 17 December 1945; D. Koch, *Printing Industries of America, Inc.: Trade Association for an Ever-Changing Industry: A History* (unpublished, 2000), in author’s possession.

74. PAA Bulletin, 25 January and 12 February 1946; PAA Minutes, 7 February and 22 May 1946 and 6 December 1948; Koch, *Printing Industries of America*.

75. PAA Minutes, 22 May 1946; PAA Annual Meeting, 9 December 1946.

76. PAA Minutes, 5 November 1947; *Special Bulletin of the Ohio Printers Federation*, 4 March 1949.

77. PAA Bulletin, 5 July 1949, 12 September 1955, and 17 October 1955.

78. For Shefferman’s work, see Sanford M. Jacoby, *Modern Manors: Welfare Capitalism since the New Deal* (Princeton, NJ: Princeton University Press, 1997).

79. PAA Minutes, 17 October and 28 December 1950.

80. PAA UEPD Minutes, 7 and 11 September 1961.

81. *PAA Minutes*, 17 October 1962; *PAA Bulletin*, 9 November 1962; *PAA Minutes*, 27 January, 24 February, and 20 April 1964; *PAA Bulletin*, 31 January 1964.
82. *PAA Bulletin*, 15 March 1965; *PAA Minutes*, 17 March 1966; *PAA Bulletin*, 3 January 1967; Koch, *Printing Industries of America*, 13.
83. AEP became Xerox Education Center in 1972 (*PICO Bulletin*, 22 November 1972, 1; *PAA Minutes*, 22 December 1966).
84. *PICO Bulletin*, 8 March 1967.
85. *PICO MPS Bulletin*, 30 April 1968; *PICO Bulletin*, 23 September 1968.
86. *PICO Membership Directory*, 1968; *PICO Bulletin*, 15 May 1969.
87. Koch, *Printing Industries of America*, 15–16.
88. *PICO MPS Constitution and By-Laws* (1970); *PICO Minutes*, 25 February 1971; *PICO MPS Newsletter*, 21 April 1971.
89. *PICO Minutes*, 9 June 1971, 20 July 1972, 20 November 1972, and 5 March 1973.
90. *PICO News*, 3 February 1973; *PICO UES Bulletin*, 10 March 1975. See also Stanger, “‘Negotiatory’ to a ‘Belligerent’ Employers’ Association,” endnotes 102, 103, and 117–18, for membership data.
91. *PICO MPS Bulletin*, 10 July and 8 November 1973, 3 April 1974, 18 April 1974, 27 June 1974, 5 September 1974, and 20 March 1975; *PICO SCOPE Bulletin*, March 1974.
92. *PICO MPS Bulletin*, 14 March and 7 July 1980.
93. On antiunion consultants, see John Logan, “Consultants, Lawyers, and the ‘Union Free’ Movement in the USA since the 1970s,” *Industrial Relations Journal* 33 (2002): 197–214; and “The Union Avoidance Industry in the United States,” *British Journal of Industrial Relations* 44 (December 2006), 652–63. On employers’ offensive against labor and the rank-and-file rebellion during “the long seventies,” see *Rebel Rank and File: Labor Militancy and Revolt from Below during the Long 1970s* (London: Verso, 2010), especially the chapters Cal Winslow, “Overview: The Rebellion from Below, 1965–81,” Robert Brenner, “The Political Economy of the Rank-and-File Rebellion,” and Kim Moody, “Understanding the Rank-and-File Rebellion in the Long 1970s.”
94. *Latest Facts and Figures about Open Shops in the Printing Industry of America* (January 1974); *PICO UES Bulletin*, 20 May 1975.
95. By the late 1970s, 85% of PIA member shops were unionized to some degree. By 2000 the number fell to 15% (Koch, *Printing Industries of America*), 7–8). See also *PICO News*, March 1976).
96. *PICO Bulletin*, 25 January 1973, and 21 February 1974; *PICO UES Bulletin*, 16 July 1974, 16 December 1974, 10 March 1975, and 20 March 1975.
97. *PICO UES Bulletin*, 4 May 1976, 8 June 1976, and 15 July 1976.
98. *PICO UES Bulletin*, 1 February 1977).
99. *PICO Summary of 1976 Printing Settlements* (January 1977); *PICO Union Negotiating Calendar* (1983).
100. Van Tine, *History of Labor in Columbus*; Van Tine, *Columbus Timesheet*, 58–60; and Hunker, *Columbus, Ohio*, 54–55.
101. Hunker, *Industrial Evolution of Columbus, Ohio*, 62; Columbus Area Chamber of Commerce, *Columbus ’76: An Economic Symposium for Business Leaders Concerning the Future of Columbus, Ohio* (Columbus, OH: Columbus Area Chamber of Commerce, 1966); Van Tine, *Columbus Timesheet*, 64.
102. Andrew Mair, *Private Planning for Economic Development: Local Business Coalitions in Columbus, Ohio, 1858–1986* (Ph.D. diss., Ohio State University, 1988), 213–17.
103. For details, see Gregory Giebel, “Corporate Structure, Technology and the Printing Industry,” *Labor Studies Journal* (Winter 1979): 228–51; M. Wallace and A. L. Kalleberg, “Industrial Transformation and the Decline of Craft: The Decomposition of Skill in the Printing Industry, 1931–1978” *American Sociological Review*, 47 (June 1982): 23–44; D. T. Scott, *Technology and Union Survival: A Study of the Printing Industry* (New York: Praeger, 1987).

8 Litigating for Profit

Business, Law, and Labor in the New Economy South

MICHAEL DENNIS

At first glance, the campaign to organize grocery workers in Virginia in the early 1990s might not seem the most representative moment in southern labor relations. One might reasonably argue that organized labor's fortunes in the region can be more aptly captured in the depressing tale of the textile workers who struggled mightily against the likes of J. P. Stevens, only to have their movement crushed by the caprices of global capitalism. Grocery stores were not immediately subject to global competition. Nor were they the focus of debates about bilateral trade agreements, tariffs, and industrial subsidies. They did, however, represent the wave of the region's economic future. Looking at the legal battle that followed the Be-Lo campaign, we gain an understanding of how vitally important it was for U.S. business, in this period of renewed crisis, to reclaim its political dominance and hasten the demise of the New Deal regulatory order. The grocery workers' attempt to gain labor rights would set the standards for management practices and labor relations nationwide.

The fierce struggle against labor in Hampton Roads mirrored and foregrounded the visceral antiunionism that already defined the "Wal-Mart way." The southern style of union avoidance pioneered by Sam Walton increasingly became the standard throughout the industry, as small competitors struggled to cut costs in order to match the aggressive discounting of the expanding conglomerates.¹

This struggle did more than highlight employer antiunion techniques. It showcased just how unstable globally integrated capitalism had become. The crisis of organized labor in the late twentieth century was equally a crisis in the profitability of U.S. capitalism.² Commenting on a later strike—in this case, the massive 2003 grocery-store walkout in southern California—labor writer Joel Jordan underlined the importance of moving the discussion away from predatory business owners to an analysis of the system itself. It is ineffective, he argued, “to attribute the behavior of the chains to ‘corporate greed,’ as does the UFCW [United Food and Commercial Workers Union] and the left for the most part. In fact, to take this position actually weakens the strike precisely because it minimizes how important it is economically for the employers to get these concessions.” If owners were in fact “swimming in profits,” they might be convinced to sign a contract, in consideration of the potential loss of revenue that a strike could inflict. In Jordan’s estimation, “the ‘corporate greed’ line plays to the populist sentiment that corporate attacks on workers are primarily psychological, rather than necessitated by the logic of the capitalist system, in particular, business competition. But it doesn’t square with reality.”³ It’s this larger reality that conditioned the struggle for a living wage in Virginia.

In this Hobbesian environment of capitalist restructuring and political neoliberalism, the manipulation of law provided the capstone in a comprehensive program of working-class subordination. The turn to the courts was part of a larger strategy of class aggression aimed at restoring profitability.⁴ If different sectors of U.S. business faced different realities, from growing international competition to increasing corporate consolidation, most came to share a world-view defined by the conviction that organized labor threatened their most basic interests. Wage repression, the repeal of labor-market regulations, and the dismantling of social welfare protections became the organizing principles of a coordinated assault on the very idea of challenging business dominance. As Leo Panitch and Sam Gindin observe, the attack on the inflationary spiral of the 1970s required “above all, the disciplining of labor.” Despite the rhetoric of liberalizing markets and liberating enterprise, “neoliberalism was essentially a political response to the democratic gains that had been previously achieved by working classes and which had become, from capital’s perspective, barriers to accumulation.”⁵ Restoring and ensuring profitability was never simply a

matter of better accounting. It was motive force in the drive to transform society in the image of unrestricted market competition.

Evidence gathered in the Be-Lo case also provides a window into the abuse of basic constitutional rights that transpired during the organizing drive itself. These violations of worker rights would have gained the attention of Robert La Follette's Civil Liberties Committee had they taken place in the 1930s. By the 1990s, the only forum for airing and resolving these grievances was the largely powerless and bureaucratized National Labor Relations Board (NLRB).

In the late twentieth century, the courts abandoned whatever impartiality they had mustered during the New Deal and Great Society years, becoming once again the unabashed allies of U.S. capital. So too did the mainstream media, the leadership of the major political parties, and the nation's political and intellectual elite.⁶ Without the veneration of neoliberalism in a moment of economic crisis, the antiunion campaign would never have succeeded as it did. Yet the contradictions of 1990s-style hyper-capitalism were as rife as the inconsistencies of the Gilded Age laissez-faire ideology. Both posited the economic virtue of government minimalism, but both defended powerful interests that benefitted enormously from government protection. The Janus-faced quality of latter-day "free market" ideology was conspicuously evident in the turbo-capitalist 1990s, as business leaders decried labor and environmental regulations while deploying every state mechanism at their disposal to crush their opponents. Without the willingness of companies to deploy a whole battery of antilabor tactics, the appeal to the courts would never have been enough. Yet the predilection of the courts toward business and the corresponding weakness of labor law provided invaluable assistance to companies that found even the limited power of organized labor threatening.

* * *

Southern organized labor had always lagged behind its northern counterpart, but labor unionism was no stranger to the region. In the early part of the century, skilled machinists, carpenters, electricians, and plumbers established craft unions in cities such as Richmond, New Orleans, Atlanta, and Chattanooga. Less pervasive than the craft unions, industrial unions also emerged across the region, particularly in urban settings where

northern transplants operated. Collective bargaining agreements negotiated by steel, auto, and pulp and paper workers in the North often extended to the company's branch plants operating in the South, thus opening the door for industrial unionism. Despite the militancy of the general textile strike of 1934 and the scale of Operation Dixie in 1946, it was mostly through transplanted manufacturing operations that industrial unionism came to Dixie.⁷

Industrial unionism achieved its greatest gains in industries that were largely shielded from vigorous competition and that operated in an oligopolistic fashion. These were the industries that could be shut down most effectively in a systemwide strike. Yet they also were the kind of operations that were in the shortest supply in the South. In textiles, the industry that dominated the New South, intense competition and parsimonious profits drove operators in their vigorous opposition to labor unionism. "The slightest increase in overall costs," writes Bryant Simon about the southern textile industry, "was sure to raise the price of the final product," which might have mattered less had southern poverty not created an abundant supply of labor ready to undercut those workers privileged enough to have a job in the mills.⁸ The same dynamics operated in the grocery industry.

Profit margins depended on volume, which meant that increases in labor costs were harder to absorb. This made companies even more vigilant about preventing unionization. The tradition of virulent antiunionism in the low-wage, labor-intensive, extractive industries of the South would only intensify as the service sector came to dominate the region's economy.⁹

It was this industry that the United Food and Commercial Workers set out to organize in 1990. According to Thomas McNutt, president of Local 400, "This is our last potential beachhead for a highly organized South."¹⁰ The struggle would take place in Hampton Roads, Virginia, a metropolitan area of southeastern Virginia historically tied to the shipyards of Norfolk and the aquaculture of Chesapeake Bay. A local economy dominated by military contracting created an inhospitable environment for labor organizing in a state already notorious for its devotion to the "right to work." More than this, some forty thousand soldiers had shipped out to the Persian Gulf to serve in Operation Desert Storm, which drastically reduced the customer base for area stores. Military cutbacks during the Bill Clinton

administration would only exacerbate the region's declining shipbuilding industry, a key component of the region's militarized economy.

In addition, the United Food and Commercial Workers' Union had set out to organize an intensely competitive sector. From the 1980s into the twenty-first century, the grocery industry was transformed by the forces of consolidation that had already cut through vast swaths of the manufacturing, finance, and banking sectors. From a series of local chains, the grocery business morphed into an industry increasingly dominated by four or five national conglomerates. Each championed aggressive discounting, the concentration of services in the supercenter format, and union-free work environments.¹¹ Even though the most disruptive restructuring would come in the latter part of the 1990s, as Wal-Mart and its imitators exerted their greatest pressure in the grocery sector, mergers and the whittling away of noncompetitive stores had become a defining feature of the industry. The most immediate threat in Hampton Roads came from Food Lion, a nonunionized, North Carolina–based chain that operated 675 stores and had its sights set on the Tidewater area.¹² The competitive pressures leveled by mega-discounting chains propelled smaller companies to adopt cost-cutting measures that frequently substituted for product innovation and better service. In short, at the very moment that the UFCW targeted Hampton Roads, mergers, technology, and competition were transforming food retailing into a nationwide industry that defied the localized, regional wage patterns central to the union's strategy.¹³

Lacking a wider regional strategy, the UFCW focused on bringing Farm Fresh into the collective bargaining fold. Farm Fresh operated fifty stores in the area and controlled 36 percent of the grocery market. By organizing Farm Fresh, the UFCW could standardize wages between the massive food retailer and Super Fresh/A&P, whose employees were already represented by the union. Its higher wages meant a comparative disadvantage, though, in a market in which low-price retailers such as Food Lion, Be-Lo, and Gene Walters' Marketplace operated union-free. Together, Farm Fresh, Food Lion, Be-Lo, and Gene Walters represented 75 percent of the region's grocery sales, a solid antiunion front in a highly competitive industry.¹⁴

Even more forbidding was the prospect of organizing where UFCW once had a considerable foothold. In the 1980s, the Safeway and Big Star chains operated some fifty stores in the region, all of which the UFCW had organized. By 1990, Safeway had whittled their investments down to one

store and Big Star had disappeared, both allegedly driven out of the Tidewater area by the high cost of labor.¹⁵ As these unionized chains retreated, the nonunion Farm Fresh and the expansionist, nonunion Food Lion advanced, opening in excess of one hundred stores and absorbing some 60 percent of the grocery market in Hampton Roads. Food Lion represented the kind of aggressive, high-quality, low-cost operation that would only be eclipsed by Wal-Mart.¹⁶

None of these firms was prepared to accept union representation without a fight. The relatively greater capacity of larger firms to absorb marginal increases in the cost of labor never translated into the willingness to acquiesce in the union challenge. Companies of various sizes have opposed union drives not simply on the basis of wage calculations but out of the determination to resist any effort to constrain managerial authority. The prospect of sharing power, not just profits, has been an ideological pillar of antiunionism in the modern era.¹⁷ Compounding these challenges, the UFCW launched the organizing drive during a recession. Precipitated by declining consumer confidence, the Savings and Loan banking scandal of 1989, and the tightening of credit after the profligate 1980s, the recession destabilized the job market, sending waves of insecurity through the ranks of blue- and white-collar workers alike. The most powerful service-sector union was setting out to organize one of the weakest labor markets at a time of escalating corporate downsizing and economic restructuring. No less than in Chicago, New York, or Cleveland, the campaign in Hampton Roads played out against the backdrop of a crisis in corporate profitability.¹⁸

The political and ideological environment of Virginia also presented a powerful challenge to UFCW optimism. By the 1980s, conservative Democrats like Chuck Robb had abandoned organized labor in favor of corporate interests and suburban voters. Virginia Governor Douglas Wilder vigilantly upheld the state's right-to-work law, slashed state spending during a recession, and courted international businesses determined to take advantage of Virginia's depressed labor market. It is little wonder that the state would be home to the national right-to-work lobby.¹⁹ Economic development strategists showcased an allegedly docile workforce as a major selling point for prospective investors.²⁰ The *Virginian-Pilot's* David M. Poole blithely asserted, "No one seriously suggests raiding corporate revenue, coddling organized labor, enriching injured workers or unleashing

the dogs of environmental regulation.”²¹ As Sandra D. Bowen, director of government affairs for the Virginia Chamber of Commerce noted in 1991, “I can think of no issue in which the business community and organized labor were on opposite sides, in which the business community did not win.”²² In the matter-of-fact manner typical of business promoters in the New Economy era, Keith Cheatham of the Virginia Chamber of Commerce simply suggested that “the best way to protect themselves from union organizing efforts is not to wait for an election to begin and then fight, but rather to keep their employees happy enough that they will feel they don’t need a union.” More than an environment hostile to labor unionism, the UFCW confronted a state in which open aggression against working-class people had become their standard.²³

These developments were not confined to the South. Instead, they were part of a larger process of capitalist restructuring aimed at containing the crisis of profitability in the 1970s, which flowed from the dual problems of overcapacity and rising global competition. By steadily shifting from the manufacturing to the financial sector, outsourcing low-margin operations, neutralizing competitors, eliminating inefficient manufacturing operations, and ratcheting up social insecurity through wage suppression and the disciplining of a workforce that had become more militant and less accustomed to unemployment, employers sought a return to profitability. Maintaining labor-market flexibility became one of the key techniques that capital used to restore profitability after the crisis of the 1970s. Cumulatively, it was these forces, not just traditional southern antiunionism or the petty despotism of grocery management that shaped the economic environment in Tidewater Virginia in the early 1990s.²⁴ Even when a given industry was not directly affected by international competition, it found the wider environment of anti-unionism hospitable for disciplining labor and restoring profitability.

* * *

Under the leadership of Thomas R. McNutt, president of Local 400, the union launched a hundred-thousand-dollar advertising campaign to convince grocery workers to think union. In the course of an emotional year-and-a-half-long campaign, the UFCW would spend \$1.5 million to unionize grocery workers, many of whom earned \$4.00 an hour, twenty

cents above the minimum wage.²⁵ For supermarket management, the central issue was survival in an intensely competitive industry. Michael Julian, president of Farm Fresh, cast the struggle in terms of the tension between consumer and worker demands. “My responsibility as chief executive of this company is to find a way to satisfy the needs of our customers and at the same time satisfy the need of our employees.”²⁶ In a business in which low prices had become the mantra and small chains competed against expansionist supermarket giants, profit margins had become distressingly meager. Citing a 1988–89 Food Marketing Institute study, the *Newport News Daily Press* explained that most grocery stores earned \$1.41 on each \$100 of net sales, with 15 percent of company expenditures devoted to employee wages and benefits. Julian claimed that wages would rise when productivity increased or when the company acquired the equipment to increase employee efficiency.²⁷ In reality, containing labor costs had become the industry’s main strategy for achieving competitiveness. As economist Michael Zweig argues, “[the] easier it is for management to respond to competitive pressure in destructive ways, the less likely it is to take the more difficult path of technical innovation or quality improvements.”²⁸ Facing market pressures and the burden of health-care costs that the federal government would not assume, supermarkets brought wages, benefits, and the jobs themselves into full competitive play.

The industry’s commitment to lean production was evident to most grocery workers in the Hampton Roads area. Concealing the identity of an employee “too afraid to let her name be used in a newspaper,” the *Virginian-Pilot* humanized the campaign by including the perspective of the workers themselves. The paper recorded the grievances of a thirty-five-year-old single mother making her living as a part-time checkout clerk at a Farm Fresh store in Norfolk. In an average week, she earned \$150 a week or \$7,200 a year, almost half of which she spent on rent for a one-bedroom apartment. Lacking health insurance and spending most of her income on basic necessities, the anonymous Farm Fresh employee faced an unpredictable future. Although she was “angry,” or perhaps because of her anger, the checkout clerk hoped that the organizing campaign would deliver a union to the Farm Fresh employees.²⁹ When UFCW organizers Chad Young and Lynn Colbert visited a supermarket delicatessen employee at

home, they discovered that she earned \$3.80 an hour and worked part time. Making \$100 a week and lacking health-care coverage, the female employee exemplified the working-class insecurity endemic to the New Economy.³⁰ Evey Brake, a twenty-eight-year-old seafood wrapper at a Farm Fresh store in Newport News, echoed these sentiments. Although she enjoyed her job at Farm Fresh, she could not escape the relentless pressure of working for subsistence wages. Earning \$4.15 an hour while supporting three children, Brake was emblematic of a largely female strata of the workforce whose exploitation had become invisible in the era of market triumphalism.³¹

Convinced that the time was right for a renewed union push, UFCW 400 sent a wave of activists into the area. Some fifty organizers, including Thomas McNutt, descended on Hampton Roads, where they launched a media campaign featuring billboard, radio, and television advertisements. Organizers approached workers on their lunch breaks only to find many too anxious to discuss the union drive in the proximity of managers and supervisors. According to union organizer Juanita Fridley, management was infinitely capable of ginning up reasons to dismiss a troublemaking employee.³² That pervasive sense of fear would provide the indispensable ingredient in the supermarkets' coming campaign of union avoidance.

Even before UFCW organizers arrived in Norfolk, the UFCW filed grievances with the NLRB, citing Farm Fresh and Bonnie Be-Lo with violations of labor law. Union organizers reported on employees forced to work more than forty hours without overtime pay, to work off the clock, and to continue working through break times without additional pay. Company officials dismissed the charges, but they also provided insight into prevailing attitudes about unionism in the South. According to CEO Michael Julian, the collective bargaining model simply did not fit the employees of Farm Fresh.³³ Presumably, Julian was invoking the stereotype of the clock-watching union member oblivious to productivity and more than willing to fleece the company.

The companies accelerated their antiunion campaign in the months prior to the March 1991 election at Be-Lo. The *Roanoke Times* reported that Farm Fresh CEO Michael Julian had written to employees asserting that unionization "could lead to loss of benefits and to strikes, union dues, assessments and employment of replacement workers who would put striking Farm Fresh workers permanently out of their jobs." In language

reminiscent of countless efforts to stigmatize northern labor and civil-rights activists, Julian appealed to his “Farm Fresh family” not to allow “the outsiders to divide us.”³⁴ According to union officials, in the weeks leading up to election on 21 March 1991, Be-Lo fired forty workers for union activism and for wearing union badges and T-shirts. By the time that employees voted on union representation, the NLRB had determined that there was sufficient evidence to warrant an investigation. The NLRB also lodged a complaint against Harrell and Harrell, the owner of a number of Be-Lo stores in Hampton Roads.³⁵

The Be-Lo campaign exquisitely illustrated how the bureaucracy of labor law had become an impediment to working-class activism. Instead of direct action on the job that might have involved a production-stopping strike, union leaders deferred to the board, consigning its laundry list of grievances to an intractable process that consistently undermined worker cohesion. Despite the yearlong campaign, the massive expenditure of resources, and the evidence that a majority of Be-Lo employees did, in fact, support collective bargaining, the election went against the union, 377 to 220. Caught in a web of legal procedures designed to thwart working-class militancy, assaulted by a comprehensive campaign of employee harassment and intimidation, the UFCW went down to an all-too-predictable defeat. If the Tidewater grocery-store campaign did not exactly set the pattern for antiunion activity in the late-twentieth-century South, it perfectly encapsulated it.

So the union did what unions do in the post Taft-Hartley era: They challenged the election results. No doubt, Be-Lo and its counterparts would have done the same had the election gone against them. Thomas McNutt was convinced that the union had a case: “This kind of situation is usually the kind of situation where the NLRB will issue a bargaining order,” he insisted. “There’s no question we’ll get a rerun.” Company officials were equally convinced that reason had prevailed. According to Be-Lo lawyer Stanley Barr, the election tally suggested that the employees and management shared a worldview based on business commonsense and a shrewd analysis of their own best interests.³⁶ The organizing drive had now degenerated into a public-relations campaign that would play out in media outlets that had little sympathy for labor.

What about all of those alleged violations of labor law? Surely these were enough to justify McNutt’s confidence that “we’ll get a re-run”? There

was, for example, Michael Salazar, a former assistant manager, who told the *Virginian-Pilot* that the company had fired several people including himself—one week before the election—for supporting the union drive.³⁷ And if there was any question about the commitment to social justice in the workplace among rank-and-file employees, McNutt had only to turn to the election results. Considering the magnitude of antiunion coercion, McNutt was surprised that the UFCW had generated as much support as it had.³⁸ The organization drive had indeed tapped into a well of indignation among the working poor of Hampton Roads.³⁹

Yet those very same workers would now have to rely on the notoriously slow-turning and dubiously impartial wheels of NLRB bureaucracy to remedy the violation of labor law. Considering that—according to one study—the average time between the demand for remedial action and the promulgation of a bargaining order in the 1980s was just less than a thousand days, with the shortest period in this study being ten months, the wait would be a long one.⁴⁰ That would give the company plenty of time to dissipate union support through attrition and harassment. And, as labor-relations analyst John Logan noted just ten years after the Hampton Roads campaign, “the labor board rarely orders certification based on a card majority, while in re-run elections, unions are frequently unable to overcome the climate of intimidation created by the employers’ illegal actions during the initial campaign.”⁴¹ The principal reason is that the NLRB does not have the power to punish employers, only to apply remedies for past labor abuses. What power the board did have was to issue injunctions against company transgressions, which it consistently chose not to do.⁴² Whatever workplace solidarity had been generated by the campaign was now at risk of dissolving as lawyers, judges, and law clerks took over.

If anything, the legal system accelerated the disintegration of working-class cohesion. In fact, it functioned as a conspicuously assertive arm of the conservative counterrevolution. Although the rhetoric of Cold War triumphalism and market fundamentalism obscured the class interests behind corporate restructuring, they were crystal clear in the legal superstructure that now brazenly favored capital over labor. Virginia’s right-to-work law was only the most conspicuous example. At the judicial level, district and appellate courts cooperated in the suppression of some of the most basic constitutional rights that workers could claim, including the

rights to freedom of assembly and freedom of speech. The lower courts were not alone. During the Reagan administration, the Supreme Court “made fundamental labor policy choices solely on the basis of the ideological value judgments” of the majority on the bench, observes historian James Gross, thus spearheading the drive to liberate management from the obligations of labor law.⁴³ National labor policy was no longer governed by the imperative to support the organization of workers. Deferential to the ideology of business primacy, the NLRB itself became an increasingly partisan institution that privileged corporate interests over workers’ rights.⁴⁴

That partisanship was on full display during the UFCW boycott. On April 10th, 1991, Local 400 began to organize pickets at several store locations throughout the Hampton Roads area. The pickets included employees whom the company had illegally dismissed. Threatening to have protestors arrested, the company secured injunctions from five Virginia courts that forced the demonstrators back to the public sidewalks at sixteen locations. The company made the case that it was simply enforcing a nonsolicitation policy, even though Girl Guides, Lions Club members, a Muslim oil salesperson, Jehovah’s Witnesses, and supporters of Lyndon Larouche continued to peddle their products and causes, unimpeded.⁴⁵

In the Clinton interregnum, the NLRB showed signs of once again operating according to its mandate to protect the right of workers to organize. In a surprising development, a board decision permitting union picketing at a Makro grocery in Ohio set the precedent for NLRB rulings to supersede state court injunctions. Realizing that it had lost this battle, Be-Lo acquiesced to the picketers, who returned to the Hampton Roads stores in December. Meanwhile, the company set its sights on reversing the order in the Sixth Circuit Court of Appeals.⁴⁶

* * *

That was in December 1991. Not until September 1993 would administrative law judge Martin J. Linsky issue a decision on the UFCW’s complaint. In essence, the union argued that the Be-Lo Corporation as well as the privately owned retailers operating under the Be-Lo brand had engaged in such extensive unfair labor practices that a rerun election was impossible. Citing evidence of majority support for the union consisting of

signed authorization cards, union attorney Carey Buttsavage appealed for certification. After a fifty-seven-day trial that featured two hundred witnesses and three hundred exhibits, Linsky agreed. In exacting detail, the trial revealed how the company deployed antiunion tactics that had become pervasive throughout the region. Surveillance, threats, harassment of employees for wearing union paraphernalia, and intimidation of pro-union workers became Exhibit A in this representative antiunion campaign. Exploiting the employer free-speech provisions of the Taft-Hartley amendment to the NLRA, Be-Lo management held captive-audience meetings at which workers heard variations on a script that insisted that certification meant “dues and strikes, not better benefits and *certainly not job security* (original emphasis).”⁴⁷ The same script tapped directly into the crisis atmosphere that defined Virginia’s political economy. “Think about the future of Be-Lo if we need to compete with ... non-union [Food Lion and Farm Fresh] while we are handicapped with a union. ... We have to do what will best enable us to beat the competition at a very difficult time in our economy. We don’t need a union to make things worse.”⁴⁸ Underscoring economic uncertainty, company management reinforced the idea that labor unionism meant strife, conflict, and financial disaster.

Be-Lo president Rex Corwin made the same argument at four dinner meetings that, to little surprise, were “attended by most Respondent’s employees.” In short: Unionism spelled business doom. “In the grocery business, volume is everything. The more you sell, the more you make. There are two keys to volume: prices and service. As soon as you take both away, you’re out of business. *That’s what happened to the union stores* (Corwin’ emphasis).”⁴⁹ To hammer home the idea that unionism spelled disaster, Be-Lo management prepared a slide featuring the names of Big Star, Safeway, A&P, and three other retail grocers superimposed on the image of a tombstone headed by the RIP inscription. The tactic was not terribly subtle, but it was effective at reinforcing the idea that unionism threatened the company’s survival and the employees’ jobs. The company used the same ham-fisted techniques when it sent its employees a phony pink slip in advance of the NLRB vote. Printed on pink paper were the names of the now familiar retailers who had capitulated to collective bargaining. “Dear Unionized Employees,” it read, “I regret to inform you that because we have lost our ability to compete in this extremely competitive market, we shall be forced to close this store and put you out of

work.” Judge Linsky outlined the comprehensive picture that emerged from this body of evidence. “From the outset,” he argued, “Respondent’s strategy was to instill in its employees the false and unsupported fear that the Union caused the demise, not only of Virginia’s grocery competitors, but of union companies in other industries, such as auto and steel, and that, in turn, Respondent’s stores would close if the employees voted for the Union.”⁵⁰ What was more surprising than the fact that store employees attended the invitational dinners was that Judge Linsky still believed that Be-Lo’s propaganda campaign fell within the acceptable parameters of employer free speech. That opinion spoke volumes about the duplicity of postwar labor “reform.”

Yet, the judge was genuinely moved by the testimony of union organizers, former employees, and witnesses for the company. Case in point: Gregory Wright, pro-union at the beginning of the drive only to find himself excluded from the bargaining unit on the grounds that he was a meat manager. (Following the tactics that became standard procedure in the toolbox of antiunion consultants and lawyers, Be-Lo did everything possible to exclude pro-union employees from the bargaining unit. One of the most effective means of achieving it was to designate them managers.)⁵¹ From pro-union supporter, Wright was dragooned into the managerial strike force, which would see him reprimand Darlina Bynum for wearing a union jacket and T-shirt. Linsky noted that Wright issued no similar reprimand for wearing a Pepsi T-shirt.⁵²

Taking the stand, Wright became the personification of the employee who knew what was good for him. “I’ve never seen a witness more anxious to get off the stand and go about his business than Wright,” the administrative law judge observed. “He was terrified of saying anything that would make Be-Lo management look bad, since he still worked for Be-Lo and had a family.” Wright’s conundrum was that he had provided an affidavit in which he enumerated several violations of labor law. Now he had to testify. Insisting that “he just wanted to support his wife and four children,” Wright admitted that Rex Corwin visited store 236 and told a group of employees that a union victory would compel him to close the store. In the event that they thought he was bluffing, Corwin allegedly pointed, once again, to the demise of Big Star, Safeway, and A&P. Wright’s transformation into a reliable company lackey did not end there: Store manager John Stokes also instructed him to reduce the hours of Curtis

Martin and Darlina Bynum, both of whom had been spotted on the Be-Lo picket line. As Linsky noted, company intimidation had left an enduring impression on Wright. His “performance on the stand, i.e., his incredible fear of Be-Lo retaliation, tells me that the effects of Be-Lo’s unfair labor practices had certainly not dissipated by the time that Wright testified, i.e., February 19, 1992, almost 1 year after the election.”⁵³ This persistent fear was at the center of the union’s case for a bargaining order.

Instilling fear was clearly the intent behind the unlawful dismissal of eight grocery employees in the weeks leading up to the election. As legal scholar Charles B. Craver explains, companies determined to thwart a union drive “overtly threaten proposed unit employees with lost employment if unions are selected.” Antiunion consultants or lawyers “have their clients discharge open union supporters, hoping to chill the pro-union activities of other workers. If they can terminate such persons in a humiliating fashion, they may be able to provoke an unprotected response that will end the right of the unlawfully fired persons to further backpay or reinstatement.”⁵⁴ Each of the eight employees was a vocal union supporter, most were targeted for wearing union insignia or associating with union organizers, and not one was in a position to take a dismissal lightly.

This evidence led Linsky to rule unequivocally in favor of the union. He overwhelmingly credited the testimony of union organizers over company witnesses. He dismissed the company’s argument that workers who signed authorization cards did so under the false pretext that it would only authorize an election rather than designate the union as their representative. Most important, he discovered workers so terrified at the prospect of losing their jobs that they were willing to perjure themselves in obedience to the company. Meat manager Gregory Wright was “terrorized to testify against what he believed to be Be-Lo’s interests” while an additional “40 employees were willing to say pretty much whatever Be-Lo wanted them to say to invalidate the union authorization cards they signed.” This unabated fear was enough to convince the administrative law judge that a rerun election would only compound the injustice. Linsky concluded that the union enjoyed a “clear majority” at the time of the election. Invoking the precedent set in *NLRB v. Gissel Packing Co.* (1969), he issued a bargaining order. He also called for reinstatement and back pay for those employees fired for their union sympathies.⁵⁵

But the case did not end there. Following the antilabor script that would become de rigueur in the new century, Be-Lo appealed the decision to the NLRB. Reviewing the extensive evidence and exhaustive testimony, the NLRB upheld the administrative law judge's decision. Citing "numerous and serious" labor law violations,⁵⁶ the NLRB agreed that only a mandatory *Gissel* bargaining order could remedy the company's multiple hallmark violations of labor law. As the NLRB members somberly observed, the majority of these violations occurred in the weeks prior to the election. "During this same period, the Respondent unlawfully interrogated employees regarding the Union, created the impression of surveillance, and disparately enforced its work rules against the Union to prohibit union apparel, union buttons, and conversations about the Union." As the election loomed, the company moved beyond threats and "actually discharged six union adherents because of their support for the Union."⁵⁷ After the election, Be-Lo fired four more employees and refused to recall another because of their union support. Cumulatively, Be-Lo's antiunion campaign amounted to a series of "hallmark violations" and the "most flagrant of unfair labor practices" involving the "management from top to bottom."⁵⁸ Clearly, the company's coordinated antiunion campaign was more responsible for the failure of UFCW's unionization drive than the union's strategic miscalculations.

Despite the persistent weakening of labor law, the administrative apparatus of the Wagner Act system still provided a forum in which workers' grievances could be heard, if not remedied. The NLRB rejected the company's argument that high employee turnover mitigated the effects of its unfair labor practices. Invoking a Fifth Circuit court opinion—"Practices may live on in the lore of the shop and continue to repress employee sentiment long after most, or even all, original participants have departed"—the NLRB acknowledged the deleterious impact of employer "free speech" and the enduring consequences of "union avoidance" tactics. Despite the era's rhetoric of worker empowerment, companies still had the authority to create workplaces permeated by intimidation, fear, and employee insecurity.⁵⁹ And how effective had that scare offensive been? Union attorney Carey Butsavage claimed that at an early stage of the campaign the union could count 400 authorization cards in favor of certification. As the result of a two-month campaign of harassment and intimidation, the company had been able to convince 180 employees to

think otherwise.⁶⁰ The company's prohibition of union picketing and its dismissal of an additional four pro-union employees after the election confirmed that little had changed.⁶¹

Moreover, the company had not yet exhausted the possibilities of litigation. In the midst of the attack on labor unionism that began in the 1970s, business learned that the federal courts offered a fairly reliable source of relief from unfavorable NLRB decisions.⁶² In the Fourth Circuit Court of Appeal, the grocery chain could not have found a more sympathetic ally. Under Ronald Reagan and George H. W. Bush, Republicans formed the majority on every appellate court in the nation. And by this time, the Fourth Circuit Court, lodged in Richmond, the former seat of the Confederacy, had already become a bastion of southern conservatism. Senators Strom Thurmond and Jesse Helms treated the court as part of their political fiefdom, arranging patronage appointments to the bench and obstructing liberal nominations that threatened the racial status quo.⁶³

Surveying the Fourth Circuit Court during the conservative restoration in the early 21st century, journalist Deborah Sontag noted what she called the "symbiotic" relationship between the lower court and a reactionary Supreme Court. The Fourth Circuit "does not just imitate," Sontag observed, "it also initiates. It pushes the envelope, testing the boundaries of conservative doctrine in the area of, say, reasserting states' rights over big government," providing what supporters believed was a "welcome corrective after years of soft, liberally activist benches." Under this conservative restoration, the courts now favored prosecutors, business owners, and state officials. It was the "shrewdest, most aggressively conservative federal appeals court in the nation."⁶⁴

In 1997, the year that the Be-Lo case finally reached the appeals court, the fiercely ideological J. Harvie Wilkinson III and J. Michael Luttig presided over this bastion of business-first retrenchment. Their 1997 review almost entirely gutted the NLRB decision. They rejected the board's contention that the January list of eligible voters was authoritative. Instead, they accepted the company's revised list, vetted for union supporters and stocked with safe new hires. It was this chicanery that made Be-Lo the winner of the 21 March election. The court also rejected forty union authorization cards. It accepted the company's contention that employees

had signed them under the false assumption that they were strictly meant to facilitate an election, not union representation. Moreover, the court threw out the NLRB's conclusion that the pink slip violated section 8(a)(1) of the National Labor Relations Act. In the court's opinion, the pink slip, like company executive Manual Sanders's letters, were protected. The court even quoted the otherwise labor-sympathetic Judge Linsky against the NLRB, arguing that employers have the "right to 'make a prediction as to the precise effects he believes unionization will have on his company.'"⁶⁵ By the 1990s, the Taft-Hartley Act's duplicitous provisions for employer free speech had decisively triumphed over the Wagner Act's support for worker self-organization.

The privileging of employer prerogatives could not have been more evident than in the court's position on the discharged union supporters. Citing earlier decisions, it asserted that "the mere fact that an employee—even a union activist—[is] discharged during a union campaign, standing alone, will not support a discriminatory finding if there is a 'supportable cause' for the discharge."⁶⁶ As Evey Brake understood, employers could always find a "supportable cause." The burden of proof now fell on the victims of the corporate antiunion assault that paraded under the guise of a free election. On the basis of this tortured logic, the court overturned the compulsory *Gissel* bargaining order, concluding that the company's conduct had not undermined the union's majority status. Quite simply, the Court of Appeals did not consider Be-Lo's behavior to be particularly objectionable.

Yet Luttig and Wilkinson were not the only judges on this case. Judge Sam Ervin III issued a dissenting opinion exposing the willingness of conservative ideologues to distort and ignore evidence in the service of a probusiness agenda. Ervin was one of the few appointments that President Carter was able to make to the Fourth Circuit Court. He was also the son of the famous North Carolina senator who presided over the upper chamber's investigation of the Watergate scandal. For Ervin, dissent was bred in the bone. "If the facts of this case cannot sustain a bargaining order," Ervin proclaimed, "then almost none will. Substantial evidence plainly supports the Board's findings of nearly 80 violations, many of them so-called 'hallmark' violations, the vast majority of them unbriefed by Be-Lo and not even discussed by the majority here."⁶⁷ Critically, Ervin excoriated the majority for challenging Linsky's assessment of the witnesses' credibility, an assessment that the NLRB upheld. Ervin believed that the Fourth Circuit

Court had overstepped its jurisdiction when it ran roughshod over the board's informed judgment: "Throughout its opinion the majority simply ignores this well-established standard of review and engages in its own *de novo* review of the evidence, substituting its own judgment for that of the Board at almost every turn. The majority thus refuses to acknowledge that this court sits only as an appellate court of limited jurisdiction whose powers to review Board proceedings are not only not plenary but have been greatly circumscribed by Congress."⁶⁸ Not only was the court exceeding its powers, but it was undermining the NLRB's previously recognized authority to impose a suitable remedy.⁶⁹

Ervin's dissent illustrated the polarization of U.S. politics in the late twentieth century. Coordinated as it was, the conservative insurgency had yet not quite swept the field of its adversaries. His dissent underlined the determination of the politicized federal courts to deprive organized labor of the limited shelter it had come to expect from the NLRB. Wilkinson, Luttig, and their ideological allies were intent on subordinating the Wagner Act to the radical individualism at the core of the conservative judicial takeover.⁷⁰ Calling into question the NLRB's evidence for imposing a collective bargaining order, the court dismissed the NLRB's claim that Be-Lo had committed any hallmark violations. Instead, it abrasively concluded that the *Gissel* bargaining order decision was "due in no small part to the Board's increasing practice of characterizing even relatively minor unfair labor practices as 'hallmark.'"⁷¹ Judge Ervin directly challenged this contention, arguing that the testimony of literally dozens of harried frontline workers and organizers simply had to count for something in a court of law.

In effect, Ervin challenged the efforts of the conservative crusaders to reduce intimidation, dismissals, and threats of store closings to minor labor infractions: "In its refusal to enforce the Board's bargaining order, the majority has focused on the forest of the Board's remedy but ignored most of the trees that make that remedy appropriate in this case. The Board found nearly eighty violations of the NLRA. *Be-Lo contested only a handful of those violations before us, however, and the majority concentrates its energies on only that handful*" (emphasis added).⁷² Ervin argued that the violations that the court did consider had to be examined in the context of countless additional infractions that the company did not contest but that created a "backdrop of a company hell-bent on preventing unionization at

any cost.”⁷³ Ervin was advocating a perspective that situated discrete violations of labor law in the context of a comprehensive assault on workplace democracy.⁷⁴ For Ervin, the cumulative effect of the company’s campaign of employee coercion justified the imposition of a bargaining order. The majority’s “rhetoric and hyperbole” would not convince him otherwise.⁷⁵

Yet even Ervin seemed to miss the wider context of southern antiunionism, which included the increasingly prominent role of professional consultants and lawyers. For Be-Lo, that expertise came courtesy of attorney Stanley Barr, whose firm, Kaufman and Canoles, advertises “Union avoidance and issues associated with labor management relations” as one of its areas of specialization.⁷⁶ By the 1980s, companies throughout the United States regularly hired antiunion consultants and law firms to advise them on how to derail organizing drives. Historian Timothy Minchin notes that the “South was at the forefront of corporate efforts to take on organized labor in the 1980s.” Propelled by the fact that the region was a magnet for companies seeking low wages and no unions, Charlotte, North Carolina, and Greenville, South Carolina, became staging grounds for antiunion consultants. Union deterrence became a highly profitable business in the South, as some seven thousand management consultants advised businesses on everything from how to make workers identify with the company to how to portray unions as agents of “violence, suffering, and community division.” The mythic social harmony of the New South continued in the vivid imagination of the region’s hired antiunion guns.⁷⁷

Yet what if a bargaining order had been issued? Would it really have made much of a difference by 1997? Examining 176 bargaining orders issued between 1979 and 1982, legal scholars Terry Bethel and Catherine Melfi arrived at the lamentable conclusion that only 20 percent of the unions considered were able to achieve a collective bargaining agreement, and only 35 percent of those had sustained a bargaining relationship six months after the initial agreement. “As the Board’s most drastic remedial step,” the authors conclude, “the *Gissel* order is an abject failure.”⁷⁸ By the time that NLRB received the case, the union drive had been lost.

Union activists were only beginning to grasp that the revision of labor law in the 1940s had permanently hobbled the mainstream labor movement. UFCW leaders understood how leveraged buyouts and corporate

downsizing affected working people. Yet their “raw deal” rhetoric operated on the assumption that business, having abdicated its social responsibility, could be brought back into some reciprocally beneficial relationship it had imprudently severed. Trapped by the constraints of the Wagner Act and tied to a top-down method of labor recruitment, the UFCW never considered the possibility of an organizing strike.⁷⁹

The business unionism that dominated organized labor in the late twentieth century was in large part responsible. As Nelson Lichtenstein explains, it was not simply a matter of hierarchical trade unionists looking after their own. It was an expression of “the institutional constraints and legal structures under which the unions were forced to function,” courtesy of McCarthyism and the postwar reaction against the labor movement. This miasma produced a labor–management regime that depoliticized the labor question, fostered a byzantine patchwork of collective bargaining agreements, and necessitated an elaborate union bureaucracy administering a privatized set of benefits from which nonunion workers were excluded.⁸⁰ More to the point, the bureaucratic unionism that the UFCW inherited erased the historical memory of a working-class movement that could challenge contractual legalism in the name of economic democracy. Deprived of their rights of freedom of speech and association by the Taft-Hartley Act’s prohibitions on secondary boycotts, the union found additional avenues of relief closed to them.⁸¹

In a moment of economic retrenchment, then, marked by the recession of 1991, at a point in time when U.S. capital was recovering from declining profitability, in a region in which elites embraced antiunionism as the first principle of a larger conservative worldview, and in response to the evidence that organized labor could indeed fight back, businesses escalated the attack on labor unions. That they did so most spectacularly in an industry that would determine the landscape of U.S. capitalism in years to come should not escape notice. It was in the turbo-capitalist 1990s that business solidified its strategy of using the state to suppress wages and contain working-class opposition. A combination of ideological and political factors made the South particularly hospitable to that campaign.⁸²

Far from a study in southern exceptionalism, the UFCW campaign in Hampton Roads highlights the growing ability of U.S. business leaders to isolate and annihilate union organizing drives, and not only in the South. The inequities built into labor law since the 1940s helped facilitate that

assault, but a judicial system that increasingly saw itself as a defender of class privilege provided indispensable assistance. All that was required to complete the antiunion trifecta was a labor movement that relied on unimaginative tactics, labor law proceduralism, and a narrow view of working-class activism. In Hampton Roads, the trifecta was completed.

Notes

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1. Nelson Lichtenstein, “Wal-Mart, John Tate, and Their Anti-Union America,” in *The Right and Labor in America: Politics, Ideology, and Imagination*, ed. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia: University of Pennsylvania Press, 2012), 252–75; Mary E. Frederickson, *Looking South: Race, Gender, and the Transformation of Labor from Reconstruction to Globalization* (Gainesville: University Press of Florida, 2011), 214–46.

2. Paul Mattick has emphasized the central place of profitability in the capitalist dilemma of the early twenty-first century, one that often is overlooked by contemporary economists bewildered by the caprices of the business cycle. See *Business as Usual: The Economic Crisis and the Failure of Capitalism* (London: Reaktion, 2011), 34–39, for an analysis that postulates that the economic crisis of the 1970s followed from growing international competition, which produced overcapacity and overproduction, which in turn led business into a unified assault on wages and the countervailing power of labor. See Robert Brenner, *Economics of Global Turbulence: The Advanced Capitalist Economics from Long Boom to Long Downturn, 1945–2005* (London: Verso Press, 2006), xx–xxii, 7–9, 146–63. Critically, Brenner argues that the historic crisis in accumulation was not precipitated by a wage-price squeeze, as conventional opinion would have it, but by aggressive international market integration. Brenner contends that the decline in profitability in the manufacturing sector continued even after the wage suppression of the 1970s and even while productivity rebounded. For an excellent analysis of how economists abandoned the labor movement in favor of a worldview supporting atomistic individualism, see Gerald Friedman’s “Economists Turn against Unions: Historical Institutionalism to Neo-classical Individualism,” in *Global Anti-Unionism: Nature, Dynamics, Trajectories, and Outcomes*, ed. Gregor Gall and Tony Dundon (London: Palgrave Macmillan, 2013), 63–80. For a concise assessment of the differences between economists such as Ludwig von Mises who subscribe to a version of equilibrium macroeconomics and those, such as John Maynard Keynes, who attribute the crises of capitalism to the structures of the system itself, see Andres Solimano, *Economic Elites, Crises, and Democracy: Alternatives beyond Neoliberal Capitalism* (New York: Oxford University Press, 2014), particularly chapter 6.

3. Joel Jordan, “Unions Confront a Restructured Industry,” *Against the Current* 108 (January–February 2004), <http://www.solidarity-us.org/site/node/474>.

4. Sharon Smith, *Subterranean Fire: A History of Working-Class Radicalism in the United States* (Chicago: Haymarket, 2006), 228–31; Michael D. Yates, “Economic Crisis, the Working Class, and Organized Labor,” in *What’s Class Got to Do with It? American Society in the Twenty-First Century*, ed. Michael Zweig (Ithaca, NY: ILR Press), 125–40; Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton, NJ: Princeton University Press, 2002), 232–33; Robert Brenner, “The Boom and the Bubble,” *New Left Review* 6 (November–December 2000): 5–9; D. M. Gordon, “Chickens Home to Roost: From Prosperity to Stagnation in the Postwar U.S. Economy,” in *Understanding American Economic Decline*, ed. Michael A. Bernstein and David E. Adler (New

York: Cambridge University Press, 1994), 55–71; Bennett Harrison and Barry Bluestone, *The Great U-Turn: Corporate Restructuring and the Polarization of America* (New York: Basic Books, 1988), 5–16.

5. Leo Panitch and Sam Gindin, *The Making of Global Capitalism: The Political Economy of American Empire* (London: Verso Press, 2012), 15.

6. On antiunionism in the media, and more specifically, on the absence of reporting on antilabor practices in media, see Joshua L. Carreiro, “Newspaper Coverage of the U.S. Labor Movement: The Case of Anti-Union Firings,” *Labor Studies Journal* 30 (Fall 2005): 1–20; and Christopher Martin, *Framed! Labor and the Corporate Media* (Ithaca, NY: ILR Press, 2004). The analysis of the capitulation of political and intellectual elites to the business-first agenda is now widely available, but one of the best starting points for understanding the persistent connection between national policy and capitalist power is Eugene McCarragher’s “The Heavenly City of Business,” in *The Short American Century: A Postmortem*, ed. Andrew J. Bacevich (Cambridge, MA: Harvard University Press, 2012), 187–230.

7. Bryant Simon, “Rethinking Why There Are So Few Unions in the South,” *Georgia Historical Quarterly* 81 (Spring 1997): 465–84.

8. *Ibid.*, 476–79.

9. *Ibid.*, 475–77.

10. Peter T. Kilborn, “Union Testing Its Strength against Grocers,” *Roanoke Times*, October 28, 1990.

11. Thomas O’Graff, “Unequal Competition among Chains of Supercenters: Kmart, Target, and Wal-Mart,” *Professional Geographer* 58, no. 1: 54–64; Joel Jordan, “Unions Confront a Restructured Industry,” *Against the Current* 108 (January–February 2004), <http://www.solidarity-us.org/site/node/474>.

12. Kilborn, “Union Testing Its Strength.”

13. Paul Ellickson, “The Evolution of the Supermarket Industry: From A&P to Wal-Mart,” <http://paulellickson.com/SMEvolution.pdf>; Jordan, “Unions Confront a Restructured Industry.”

14. “Grocery Union Comes Back for Seconds: UFCW Tries Again to Make an Inroad into Hampton Roads,” *Newport-News Daily Press*, October 22, 1990; Jay Hancock, “Fighting over the Grocery Store Workers: Unions Face Off like Never Before,” *Virginian-Pilot*, October 22, 1990.

15. Hancock, “Fighting over the Grocery Store Workers.”

16. *Ibid.*

17. Tony Dundon and Gregor Gall, “Anti-Unionism: Contextual and Thematic Issues,” in *Global Anti-Unionism*, ed. Dundon and Gall, 1–18.

18. Joseph R. Meisenheimer II, Earl F. Mellor, and Leo G. Rydzewski., “Job Market Slid in Early 1991, Then Struggled to Find Footing,” *Monthly Labor Review* (February 1992): 4–10; “Lagging Incomes: 12th Straight Drop,” *Norfolk Virginian-Pilot*, 25 June 2000; “Plan 2007 for a Global Hampton Roads: Restructuring the Regional Economy,” February 1993, 1–6, http://www.hrp.org/Site/docs/ResourceLibrary/Plan%202007%20Original_1993.pdf; “Hampton Roads Residents Say the Middle Class Has Taken a Beating,” *Norfolk Virginian-Pilot*, 24 September 1995. On the crisis in profitability in the 1970s and its restoration through the intensification of managerial control, the reduction of wages, and an increase of productivity, the benefits of which were not distributed to workers, in the 1970s, see Edward Wolff, “What’s behind the Rise in Profitability in the U.S. in the 1980s and 1990s?” *Cambridge Journal of Economics* 27 (2003): 479–99.

19. Thomas R. McNutt, “Another View: Labor Not Wild about Wilder,” *Virginian-Pilot*, 3 May 1991; Michael Dennis, *The New Economy and the Modern South* (Gainesville: University Press of Florida, 2009), 34–36.

20. Jane Gerring, “Counting the Costs,” *Virginia Business* (July 1992): 34–40.

21. "How Much Is Too Much When the Need Is Great?" *Norfolk Virginian-Pilot*, October 8, 1995; on the creation of an antiregulatory, low-tax, low-wage business environment, see Amy K. Glasmeier and Robin M. Leichenko, "From Free-Market Rhetoric to Free-Market Reality: The Future of the U.S. South in an Era of Globalization," in *Poverty or Development: Global Restructuring and Regional Transformations in the U.S. South and the Mexican South*, ed. Richard Tardanico and Mark B. Rosenberg (New York: Routledge, 2000), 19–40; on the function of right-to-work laws in the fostering of a business-friendly climate in the region, see James C. Cobb, *The Selling of the South: The Southern Crusade for Industrial Development, 1936–1990* (Urbana: University of Illinois Press, 1993), 95, 100–102.
22. Dave Mayfield, "Labor: Leverage in New Lines?" *Virginian-Pilot*, 1 April 1991.
23. Michael Buettner, "Getting Organized after a Lull, Unions Are Back," *Richmond Times-Dispatch*, 15 April 1991.
24. Robert Brenner, "The Economy of Global Turbulence," *New Left Review* 229 (May– June 1998): 239–53. As Brenner notes, profitability did indeed rebound in the 1990s, particularly in the manufacturing sector, largely as the result of "unprecedented wage repression and dollar devaluation," p. 253; Frances Fox Piven, "Neoliberal Social Policy and Labor Market Discipline," in *What's Class Got to Do with It?* ed. Michael Zweig, 113–24; Geoff Eley, "Thinking about the Left Today," *Labor* 8 (Winter 2011): 59–60.
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27. Neil Cornish, "Grocery Union Comes Back for Seconds."
28. Michael Zweig, *The Working Class Majority: America's Best Kept Secret* (Ithaca, NY: ILR Press, 2000), 123–25, quote on 125.
29. Hancock, "Fighting over the Grocery Store Workers."
30. Ibid.
31. Cornish, "Grocery Union Comes Back."
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33. Cornish, "Grocery Union Comes Back."
34. Kilborn, "Union Testing Its Strength."
35. Jay Hancock, "Be-Lo Workers Voting on Union Today—Election Viewed as Test of Organized Labor Strength," *Virginian-Pilot*, 21 March 1991.
36. "Be-Lo Workers Turn Away Union," *Virginian-Pilot*, 22 March 1991, both quotes.
37. Jay Hancock, "Be-Lo Workers."
38. "Union Vows to Appeal Be-Lo Vote," *Richmond Times-Dispatch*, 22 March 1991.
39. Neil Cornish, "Be-Lo Workers Rebuff Union—UFCW's Effort to Represent 800 Employees Fails 377–220," *Newport News Daily Press*, 22 March 1991.
40. Terry A. Bethel and Catherine Melfi, "The Failure of Gissel Bargaining Orders," *Hofstra Labor Law Journal* 14 (1997): 423–64.
41. John Logan, "Consultants, Lawyers, and the 'Union Free' Movement in the USA since the 1970s," *Industrial Relations Journal* 33 (2002): 207.
42. Charles B. Craver, "The National Labor Relations Act at 75: In Need of a Heart Transplant," *GW Law Faculty Publications and Other Works*. Paper 465 (2010), http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1530&context=faculty_publications, 25.
43. James Gross, *Broken Promise: The Subversion of U.S. Labor Relations Policy, 1947–1994* (Philadelphia: Temple University Press, 1995), 276.
44. James Gross, "The Demise of the National Labor Policy: A Question of Social Justice," in *Restoring the Promise of American Labor Law*, ed. Sheldon Friedman, Richard W. Hurd, Rudolph A. Oswald, and Ronald L. Seeber (Ithaca, NY: ILR Press, 1994), 45–58.
45. National Labor Relations Board Decision and Order, "Be Lo Stores and United Food and Commercial Workers Union, Local 400, AFL-CIO, 31 July 1995, Decision and Order," in *Decisions*

of the National Labor Relations Board 42, p. 10, http://www.nlr.gov/nlr/shared_files/decisions/318/318-1.txt (hereafter cited as *Decisions of the National Labor Relations Board*).

46. JoAnn Frohman, "Pickets to Be Back at Be-Lo Stores," *Newport News Daily Press*, 11 December 1991.

47. Martin J. Linsky, "Decision—Statement of the Case," in *Decisions of the National Labor Relations Board*, 318 NLRB 1, 20.

48. *Ibid.*, 20. Ellipsis marks and parentheses in original.

49. *Ibid.*, 20.

50. *Ibid.*, 20–21.

51. Logan, "Consultants, Lawyers, and the Union-Free Movement," 201.

52. Linsky, "Decision—Statement of the Case," 35.

53. *Ibid.*, 27.

54. Charles B. Craver, "The National Labor Relations Act at 75: In Need of a Heart Transplant," *GW Law Faculty Publications & Other Works*. Paper 465 (2010), http://scholarship.law.gwu.edu/faculty_publications/465, 22.

55. Linsky, "Decision—Statement of the Case," 39–42.

56. National Labor Relations Board Decision and Order, *Be-Lo Stores and United Food and Commercial Workers Union, Local 400*, AFL-CIO, 31 July 1995, http://www.nlr.gov/nlr/shared_files/decisions/318/318-1.txt (hereafter cited as NLRB *Be-Lo Decision*), 42.

57. *Ibid.*, 14.

58. *Ibid.*, 15.

59. *Ibid.* Since more than two hundred fifty employees still remained from the 1991 campaign, the memory of company intimidation and antiunion hostility persisted.

60. Stephanie Stoughton, "National Labor Relations Board Rules against Be-Lo," *Virginian-Pilot*, 5 August 1995.

61. NLRB *Be-Lo Decision*, 15–16.

62. John Logan, "'All Deals Are Off': The Dunlop Commission and Employer Opposition to Labor Law Reform," in *The Right and Labor in America: Politics, Ideology, and Imagination*, ed. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia: University of Pennsylvania Press, 2012), 281.

63. Nadine Cohadas, *Strom Thurmond and the Politics of Southern Change* (Macon, GA: Mercer University Press, 1995), 279.

64. Deborah Sontag, "The Power of the Fourth," *New York Times Magazine*, 9 March 2003, 40.

65. *Be-Lo Stores v. National labor Relations Board*, United States Court of Appeals, Fourth Circuit Court, in *Labor Relations Reference Manual: The Law of Labor Relations, Volume 156* (Washington, DC: Bureau of National Affairs, 1998), 2274–75 (hereafter abbreviated as U.S. Court of Appeals *Be-Lo Decision* and cited as 156 LRRM).

66. *Ibid.*, 2275.

67. *Ibid.*, 2277.

68. *Ibid.*, 2277–78.

69. *Ibid.*

70. Sharon McCloskey, "Is the Fourth Circuit Veering Back to the Center?" *North Carolina Policy Watch*, 13 February 2013, <http://www.ncpolicywatch.com/2013/02/13/is-the-4th-circuit-veering-back-to-the-center/print/>.

71. U.S Court of Appeals *Be-Lo Decision*, 156 LRRM 2270.

72. *Ibid.*, 2278.

73. *Ibid.*, 2279.

74. He also challenged the charade of employer free speech, the cornerstone of the antiunion campaign in the late twentieth century. Repudiating the NLRB's opinion, the majority asserted that section 8(c) of the NLRA protected Be-Lo's notorious pink-slip message. Section 8(c) was part of the Taft-Hartley Act's amendment to the Wagner Act, which allowed employers to present their views on unionization and to predict its impact on the company provided they did not threaten reprisals. In addition, employers who speculated on the economic impact of unionization were obligated to present concrete evidence to support their claims. According to Ervin, Be-Lo never came close to fulfilling these requirements (156 LRRM 2280).

75. Ibid., 2295.

76. See http://www.kaufcan.com/practices/labor_&_employment.htm.

77. Timothy J. Minchin, *Fighting against the Odds: A History of Southern Labor since World War II* (Gainesville: University Press of Florida, 2005), 150–51, including quote; Lichtenstein, "Wal-Mart, John Tate, and Their Anti-Union America," in *The Right and Labor in America: Politics, Ideology, and Imagination*, ed. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia: University of Pennsylvania Press, 2012), 258, 263.

78. Bethel and Melfi, "The Failure of Gissel Bargaining Orders," 452.

79. Surveying the labor landscape in 2006, labor journalist Steve Early found little reason to cheer the UFCW or the "Change to Win" schismatic movement that it joined. Noting the union's dismal record in the meatpacking industry, Early also pointed to UFCW's inability to stave off the movement toward big-box stores in the retail sector, which have won major concessions from labor and driven down wages in general. Like Joel Jordan, Early considered the 2003 UFCW grocery-store strike an unmitigated disaster in a long line of major losses for the retail union (Early, *Embedded with Organized Labor: Journalistic Reflections on the Class War at Home* [New York: Monthly Review Press, 2009], 246).

80. Lichtenstein, *State of the Union*, 142, 125–28.

81. See Joe Burns, *Reviving the Strike: How Working People Can Regain Power and Transform America* (Brooklyn, NY: Ig, 2011), 52. The importance of restoring the rights of freedom of association, freedom of speech, collective values, and the notion of citizenship rights based on some version of worker republicanism are explored in James Gray Pope, Peter Kellerman, and Ed Bruno, "The Employee Free Choice Act and a Long-Term Strategy for Winning Workers' Rights," *Working USA* 11 (March 2008): 125–44; Pope, "Next-Wave Organizing and the Transition to a New Paradigm of Labor Law," *New York Law School Review* 50 (2005–06): 515–59; Josiah Bartlett Lambert, *If the Workers Took a Notion: The Right to Strike and American Political Development* (Ithaca, NY: ILR Press, 2005), chapter 10; and Ellen Dannin, "The Future of U.S. Labor Law and the Long Struggle for Labor Rights," *Employee Responsibilities and Rights Journal* 21 (2009): 139–44.

82. Peter Rachleff, "The Right-to-Work Offensive: Tracking the Spread of the Anti-Union Virus," *New Labor Forum* 21 (Winter 2012): 26.

9 Capital and Labor in the 21st Century

The End of History?

PETER RACHLEFF

The case studies in this volume—tightly argued and well documented—have sketched a set of shared themes: (1) capitalists in the United States have never accepted labor’s right to organize; (2) capitalists’ resistance to workers’ organizing efforts has relied on political power and ideological *legerdemain* as well as economic muscle; (3) despite capitalists’ allegiance to market economics and scorn for government intervention, in critical situations, they have leveraged the state for their own advantage; and (4) capitalists’ success in achieving a nonunion environment has varied over the course of the 20th, and now, the 21st centuries. Two factors have limited their success: (1) their (in)ability to maintain unity within their own ranks, to “construct themselves as a class,” as the editors of this volume put it in their Introduction; and (2) the ability of workers to resist the capitalists’ antiunion agenda, not just in individual workplaces, but reaching entire industries and/or communities.

Situated in specific historical eras, these essays suggest that there has been an ebb and flow in capital-labor relations, with power shifting across the invisible “frontier of control” first identified by the British scholar Carter Goodrich almost a century ago. To be sure, the New Deal and World War II saw that line shift further in labor’s favor than at any other time in U.S. history, but how far that shift went and how long it lasted is a subject of considerable debate among historians. Their arguments have implications for contemporary labor strategy, which the contributors to this volume hope to inform.¹

My essay seeks to extend this analysis into the 21st century, into the latest iteration of employer activism against unions and workers' responses to it. The story has its own specific elements, but its larger parameters seem familiar. And yet, the story also suggests the possibility of new possibilities, of breaking out of the patterns.²

Capitalism emerged from the Great Depression and World War II with a reorganized political economy. Keynesianism—the promotion of macro-economic growth through the manipulation of aggregate demand—became the dominant government, business, and labor policy framework. Governments “fine-tuned” inflation and unemployment through regulating interest rates and increasing or decreasing demand. Large employers and unions collectively bargained contracts, which began with the premise that increases in productivity would be rewarded with increases in wages, enabling large numbers of workers to become meaningful consumers, growing the macroeconomy.

A world order in which the U.S. and U.S.-based businesses dominated the global economy provided a political-economic context for this capital-labor system. U.S. military and economic power shaped the emergence of one-time colonies into “freedom,” and directed the lion’s share of the wealth produced there into the U.S. economy. For an entire generation, most Americans, including workers, experienced a rising standard of living, economic security, and the hope of an even better future. This rising standard of living was the lubricant which oiled a new, post-depression, post-war, “social contract.”³

In this new world order, U.S. capitalists waged an ideological war—a “Cold War”—in which they delegitimized unions and the very notion of class. While academic scholars proclaimed “the end of ideology,” major employers and their political representatives undermined the most militant unions, those which contested power relationships from the shop floor to the United Nations, developed a temporary “social contract” with those unions who were willing to accept such notions as management prerogatives and productivity bargaining, and sought to preserve regions of the United States as “union free” bastions. As the power of the United States and U.S. employers expanded in the post-war world, unions in the United States were corralled and hemmed in, their power truncated.⁴

Pressured externally and internally, this system began to fray in the mid-1960s and was spinning apart by the mid-1970s. Western Europe and Japan

recovered from the destruction of World War II, and their capitalists increased competitive pressures for U.S. corporations. As peoples of color in the Third World achieved national independence, they threatened new limits to the abilities of U.S. corporations to access raw materials cheaply. Inside the United States, people of color and public employees demanded standards of living comparable to those accorded to unionized, private sector workers. The ability of the leaders of the U.S. political economy to manage their reign through the macro and micro tools of Keynesianism weakened. The uses of deficit spending not only to generate macro-economic growth but also to cover the costs of both the Vietnam War and the War on Poverty drove the Keynesian-directed relationship between inflation and unemployment beyond its assumed parameters. Spurred further by the energy crisis and the political crisis of the Nixon presidency, Keynesianism entered a deep and potentially fatal crisis.⁵

Corporate employers found themselves facing an increasingly militant working class at home. Rather than being assuaged by a generation of wage and benefit increases, unionized workers demanded more compensation, less work, and more time off. African American workers, whose boat had not yet been lifted by Keynesianism's rising tide, demanded not only political and civil rights, but access to better jobs and wages, housing, education, and health care. Public employees, from postal workers and teachers to state and municipal employees, organized into unions and demanded collective bargaining rights. In the first half of the 1970s, U.S. workers averaged close to 400 "large" strikes (more than 1,000 participants) per year.⁶

Capitalists felt all this—and more—tugging at the frontier of control. The growing appeal of black power and feminist ideologies, the antiwar movement, the crisis of the presidency, the energy crisis, the rapid rise of mortgage rates, and the appearance of "stagflation" joined this working class militancy to portend a crisis of legitimacy. Anticapitalist activists, many of whom had emerged from the antiwar and civil-rights movements, hailed the Miners for Democracy movement, the postal wildcat strike, the Lordstown autoworkers' strike, the League of Revolutionary Black Workers, and other expressions of working class disaffection, as indications of a coming upheaval. It is hardly surprising that this conjuncture generated deep structural, organizational, and ideological shifts among leading capitalists.⁷

Capitalists did not develop a new full-blown vision and practice overnight. Rather, a series of projects, conversations, campaigns, experiments, and ideas—some of which succeeded, some of which failed—gradually became the practice of the capitalist class. These included: the ideological argument that state regulations that responded to labor or the citizenry interests stymied economic growth; deindustrialization and capital flight; the formation and strengthening of transnational economic institutions like the International Monetary Fund, the World Bank, and the World Trade Organization, and their promotion of “structural adjustment”; the use of “permanent replacements” to undercut strikes and bust unions; demands for “concessions” in wages and benefits; the introduction of “lean” production, decentralization, and the contracting out of work; outright union avoidance; and the dissemination of an antigovernment ideology. These steps led to a new cohesive capitalist class strategy which would become known as “neoliberalism.”⁸

Over the course of the 1980s and 1990s, the contours of neoliberalism took shape, as individual corporations implemented new strategies seeking to shift the frontier of control in their favor and increase their profits. Their actions began to shape the political and economic practices of both major political parties, and the orientation of capitalists as a class towards their workers and their workers’ unions. This included free trade; deregulation; privatization; a new centrality of financial instruments and transactions; the commodification of services and goods which had formerly been available on the basis of citizenship or community membership; the combination of privatization and commodification to facilitate a new round of capital accumulation; the reduction of labor costs, including benefits; the reduction of the social wage and the provision of services. Not surprisingly, the pursuit of these practices challenged unions, undercut workers’ economic status and security, and fueled inequality.⁹

Over these two decades, these shifts in corporate strategy, with the assistance of the state, turned the unionized segment of the private sector work-force into a shrinking island within the workforce as a whole. This journey was marked by dramatic yardposts: IBP, Hormel, the Detroit newspapers, BE&K, International Paper, the Chicago Tribune, Staley, Caterpillar. Each signaled a further shift in the frontier of control, a further weakening of union power, a further decline in working class economic security and living standards.¹⁰

After three decades of regaining their power in their relationships with private sector workers and their unions, capitalists turned their attention to public employees. And, as they gained ground in the public sector and shifted the frontier of control in their favor, they renewed their attack on private sector unions, even dusting off the shibboleth of right-to-work laws. Neoliberalism's displacement of Keynesianism and the "social contract," secured by the late 1980s, had shifted the political and ideological terrain to the right by the birth of the 21st century. This shift had sunken such deep roots that not only had both political parties accommodated to neoliberalism's principles, but that the crisis of 2007–2008 did not shake their hegemony. Calls for a "new New Deal" found little echo, especially in Washington, D.C. and in state houses across the country, even as the country elected its first African American president. Grassroots protests—the Madison Uprising, Occupy Wall Street, the antieviction movement, and, later, Black Lives Matter—show that ideological hegemony has not yet been completely secured, but electoral politics have remained the playground of the capitalists, from the Koch Brothers' American Legislative Exchange Council (ALEC) to the corporate donors given a free hand by the Citizens United Supreme Court decision.

The Republican Party at the state level has been the primary implementer of the capitalists' strategy to shift the frontier of control in broad class terms, from the shop floor to the White House. They now control a majority of state legislatures and governors' chairs. The remaining power of unions in both the private and public sectors is squarely in their crosshairs. Where 30 percent of the private sector workforce was once unionized, barely 7 percent hold union cards today. With this decline in density has come a decline in economic power, from the workplace to the bargaining table, and a similar decline in political influence, even among labor's former "allies" in the Democratic Party. More than a century ago, Samuel Gompers laid out a political strategy for organized labor: "Punish our enemies and reward our friends." At present, not only is it difficult to identify "friends," but labor seems to have little clout with which to punish "enemies."

The capitalists' offensive has unfolded on a state-by-state basis, even though organized at a national level, a reminder that capitalists and their political allies still take the local and the national as well as the global context of their power seriously. Wisconsin's Governor Scott Walker led the

way in January 2011, when he introduced his “budget repair” bill, stripping public employee unions of the right to collective bargaining over wages and benefits, requiring them to collect dues member-by-member, and ordering them to hold an annual election to renew their diminished legal status. In Indiana, Governor Mitch Daniels, who had used his executive powers in 2005 to take away collective bargaining rights for public employees, called for bills to cut teachers’ wages and benefits and reduce public employees’ rights even further. In Ohio, John Kasich, whose resume includes stints in the U.S. House of Representatives and as a Fox News broadcaster, promised to “break the back of labor unions in the public schools” and introduced Bill SB 5, which took collective bargaining rights away from teachers, firefighters, and other public employees, proscribed strikes, and gave state bureaucrats the right to mandate terms of employment. The Michigan legislature handed new Governor Rick Snyder the power to declare any municipality in default and appoint a fiscal receiver, who could nullify union contracts, cut wages and benefits, and contract out work.

Measures of all sorts—to require unions to gain members’ permission to spend dues money on political activities, to eliminate automatic dues collection or agency fees, to deny college professors at public universities and colleges the right to unionize, to hamstring home healthcare and day care workers seeking to organize—were introduced, trumpeted, and, in some cases, passed. In California and New York, Democratic Governors Jerry Brown and Andrew Cuomo, who had been elected with the support of organized labor, announced their intent to cut state employees’ wages, benefits, and numbers. In Maine, Governor Paul LePage, elected with 37 percent of the vote in a three-way race in November 2010, introduced bills to strip public employees of their collective bargaining rights and to make the state a “right-to-work” state. In what became a national *cause celebre* for artists as well as trade unionists, LePage ordered a labor history mural on the walls of the State Department of Labor taken down. Midway through 2011, the National Conference of State Legislatures announced that it was tracking 744 bills that targeted public sector unions.

While these attacks have drawn sustenance from the macroeconomy’s shift to neoliberalism, they have deep historical roots. Historians of labor law and the labor movement, including contributors to this volume, have demonstrated that as soon as the U.S. Supreme Court upheld the National Labor Relations Act in 1937, corporate interests and their political

representatives went to work to limit the rights this law extended to workers and unions. They pressured executive branch agencies to restrain their enforcement efforts, filed suits in courts to block specific union campaigns, promoted antiunion images in media and popular culture, negotiated contracts which limited the terrain for union voice and inscribed management rights, and lobbied for state and federal legislation that might limit the impact of the NLRA. They were able to tap into deep values and assumptions in American labor law, prioritizing management's right to manage and the continuity of production as being in the public interest. Organized by the National Association of Manufacturers, the Chamber of Commerce, various state Employers' Associations, and, of course, in some states and cities, the Republican Party, these corporate interests sought the introduction of mandatory cooling off periods and mediations, fact-finding boards, prohibitions on industry-wide bargaining, limits on the right to strike, boycott, and picket, and the proscription of "unfair labor practices" on the part of workers and unions.¹¹

Many of these employers' goals would be incorporated into the Taft-Hartley Act, itself a series of critical amendments to the 1935 NLRA, passed by Congress over President Truman's veto in 1947. This was the first step by capitalists, after the labor upsurge of the late 1930s and World War II, to pull the frontier of control back in their favor. The new law empowered the president to intervene in a strike and order a cooling-off period. It redefined an "employee" who could seek union representation so as to exclude independent contractors, foremen, and supervisors, while management was redefined as "any person acting as an agent of any employer" rather than "any person acting in the interest of an employer," thereby excluding the Chamber of Commerce, vigilante groups, and other voluntary organizations from the purview of the act. Employers' speeches to workers on company time were granted protection as "free speech." Taft-Hartley prohibited sympathy strikes and secondary boycotts, the two major expressions of solidarity within the labor movement. It required union officers to sign an affidavit that they did not belong to the Communist Party or any organization which advocated the overthrow of the government "by force or violence." It also bureaucratically separated the NLRB's General Counsel from its politically divided board, making him/her directly accountable to the sitting president and his labor agenda. In its Section 14(b) the law banned closed shops and allowed state governments to pass

laws which would weaken “union security.” Misleadingly called “right-to-work” by their advocates, these laws protected the rights of individual workers to refuse to join a union and pay dues, even in a unionized facility with a collectively bargained contract.¹²

The “right-to-work” component of Taft Hartley was central to the ideological battle that would be waged over workers’ rights and unionism. Most of the discourse in support of Section 14(b) revolved around the advocacy of “voluntary” unionism in contrast to “compulsory” unionism. While many employers were on record as proponents of the law, ministers, academics, journalists, and politicians were its most visible advocates. They urged states to protect the rights of individual workers who, “out of conscience,” did not wish to join unions. Twelve states, mostly in the South, passed laws in short order, and within a decade (at the height of the McCarthy period) they were joined by another seven. Only a handful of states (there is a total of twenty-two now) would be added to their ranks in the half century since. The “right-to-work” states—Southern, Southwestern, and Midwestern—share important characteristics beyond geography. Agriculture is a significant share of their economy, manufacturing a minor share. Their working class, in the 1940s and 1950s, included a large disenfranchised segment. Their popular and political cultures featured generally conservative views on race, class, gender, and the role of government. This discourse about the rights of individual workers quickly became interwoven with narratives of “labor monopoly,” “labor trust,” and “Big Labor.”¹³

For the first two decades after Taft-Hartley’s passage, not only were corporate interests in “right-to-work” states well-served by the mobilization of this ideological dimension of Section 14(b) to delegitimize unions, but the creation of these zones pressured workers in other states to hold down their demands under threat of corporate relocation. The location of these “right-to-work” states underpinned a regional focus in federal government defense and highway spending that encouraged a population shift (and consequent shift in political power) to “the sunbelt.” “Right-to-work” laws weakened existing unions and helped to suppress the level of unionization in the states which adopted its principles. Workers were screened for pro-union sentiments and experiences at hiring, while existing unions had more difficulty collecting dues and thereby sustaining themselves. The results have not been insignificant. A recent study notes that unionization rates in

“right-to-work” states are 7.6 percent in contrast to 18.6 percent in non-“right-to-work” states, while all forms of compensation—wages, employer-sponsored health insurance and pensions—are markedly lower in “right-to-work” states. An October 2011 article on Bloomberg.com provides data suggesting that while “right-to-work” might lure jobs to particular states, these jobs have had a downward pressure on wages, thereby exacerbating poverty.¹⁴

Corporate behavior in “right-to-work” states in the 1950s and 1960s has provided a template for capitalists’ standard operating procedures nationwide in the 21st century. Employers mobilized the image of “compulsory” unionism in order to undermine many union activities. When employers were confronted by a strike, they went to court to challenge picketing as “coercive.” They supported nonunion employees in law suits against union pressures. They went into courts to challenge unions’ quest for recognition as “exclusive” representatives of workers, which led them to delay, defer, and undermine collective bargaining itself.

In the aftermath of the labor upsurge of the late 1930s and World War II era, years of strategic networking, institution-building, and message shaping work has moved conservative ideological arguments to the center of U.S. society. Funding think tanks and academic programs, buying media outlets, and carefully cultivating state legislators has paid off. Ideas which were once dismissed as “fringe”—that individuals can provide fully for their own retirement, that individual workers can negotiate their own employment bargains with corporate employers, that markets fairly allocate such resources as healthcare and education—have met the new world order of neoliberalism and taken root; despite the Great Recession of 2008, this ideology has remained entrenched. The neoliberal agenda of free markets, deregulation, privatization, antiunionism, shredding the safety net, and eliminating government services has deep roots and new legitimacy, currency, and power.¹⁵

As the essays in this volume have demonstrated, the capitalists have had to work hard to accomplish this ideological triumph, because their agenda has often been resisted, sometimes successfully, by workers and their unions. Identifying this resistance is an important contribution of this book; it is an important element of the present scene, and it could well shape the future. “Right-to-work” did not spread beyond its initial beachhead because of the resistance it faced. In 1955, at the height of McCarthyism, RTW

measures were on the ballot in six states. It passed only in one, Kansas. In 1958, when conservative forces pushed RTW in Ohio, thousands of rank-and-file workers distributed literature, organized debates, voted contributions to the labor coalition leading the “anti” campaign. They reached out to the unemployed, who were being appealed to by the “pro” forces. They went to farmers and explained how agricultural income is dependent on the standard of living won by organized labor and they went to African Americans and explained that the same forces promoting “right-to-work” were opposing fair employment practices. The final vote against “right-to-work” was 2,007,291 to 1,080,266.¹⁶

In Missouri in 1978, early polls gave pro-RTW forces a 2–1 majority, and the mainstream labor leadership seemed resigned to their fate. But activists launched a member-oriented campaign which depended on small donations raised at meetings at which rank-and-filers learned about what was at stake and were encouraged to become registered voters. Activists used phone banks and direct mail to pressure the media to tell their side of the story. They organized public debates in which rank-and-file workers presented the “labor” position. They also built a coalition, the United Labor Committee, which linked activists from non-AFL-CIO unions like the UAW, Mine Workers, and the Teamsters with those whose unions were affiliated. The ULC also reached out to farmers, arguing, as in Ohio twenty years earlier, that farmers’ prosperity depended on workers’ purchasing power. In November the “no” vote took 60 percent while the 1.6 million ballots cast set an off-year election record. Not only did they defeat RTW, noted activist Jerry Tucker, who chaired the United Labor Committee, but “new member organizing spiked upward for several years afterward.”¹⁷

We have also seen impressive resistance to the capitalist agenda from public sector workers and unions. The public sector—now more than 26 percent organized around the country—has always manifested key elements of a “right-to-work” environment, from the right of workers to pay “agency fees” rather than full dues to significant restrictions on the right to strike, even after many states granted collective bargaining rights to public employees. Public employees—teachers, social workers, firefighters, natural resource specialists, highway workers, etc.—have been able to organize, win a voice in the workplace as well as improved wages and benefits, and have been able to maintain their organizations. When Governor Walker’s law passed the Wisconsin legislature, the faculty at

seven branch campuses of the University of Wisconsin system voted, campus by campus, in favor of union representation! In the summer of 2012, 44,000 Transportation Security Administration workers, scattered at airports all across the country, voted overwhelmingly to unionize. Public employees can teach private sector workers that RTW need not spell the end of their ability to organize themselves and act collectively.

Early in the unfolding of the Wisconsin struggle, Fox News crowed: “Wisconsin Union Battle Could Set Stage for National ‘Right-to-Work’ Debate.” The upheaval in Madison suggests the kind of broad-based, creative, democratic movement that can be mobilized when conservative forces and corporate interests set about taking away workers’ rights. Tens of thousands of protesters from across the state and across the country came to the state capitol, experienced the power of solidarity, and challenged the power and agenda of the advocates of neoliberalism, those who would cut services, cut wages and benefits, weaken public institutions (“the commons”), and push workers into a “race to the bottom.” While it was public employees who were in the neoliberals’ crosshairs, private sector union members, nonunion workers, retirees, students, welfare recipients, immigrant rights activists, peace and justice activists, and thousands more rallied to the cause.¹⁸

Similar coalitions came together in Ohio and Michigan in response to antiunion attacks, while elements of such coalitions appeared in many states on April 4, 2011, when state AFL-CIO leaderships, the Communication Workers of America (which includes both private and public sector workers among its members), and the NAACP called for marches to mark the anniversary of the death of Dr. Martin Luther King, Jr, assassinated while supporting a public sector workers’ strike in Memphis, Tennessee, in 1968. *Labor Notes* magazine has sponsored a series of well-attended “Troublemakers’ Schools” from New York and Los Angeles to Chicago, Minnesota, and beyond. Verizon strikers in the summer of 2011 were greeted with public support which surprised even their union leadership, while longshoremen in the Pacific Northwest galvanized public attention with dramatic direct actions against the contracting out of union work. The NAACP’s “Moral Mondays” campaign, which began in North Carolina and has spread from Georgia to Wisconsin, has linked civil rights with labor rights, interjected nonviolent civil disobedience tactics, and infused a new energy into the movements against the capitalist agenda.

Far from taking lightly Republican threats to push “right-to-work,” or being demoralized by Democratic willingness to countenance and accommodate other limitations on workers’ rights to organize and bargain collectively, labor activists in the second decade of the 21st century might well find fighting these challenges provides a rallying cry for a broad-based campaign around a rights discourse, a discourse that resonates with a wide audience of working and middle class women and men who are struggling not only to understand the causes of the Great Recession and find their way out of it, but also to root out deeper inequities along racial, gender, national, and class lines, inequities which have shaped the American experience since its origins. From the shop floor to the modern office, from the grievance hearing to the bargaining table, from knocking on doors to circulating petitions, and from Black Lives Matter to \$15 NOW, working people continue to confront the values and practices which have informed the antiunion cause in the United States.

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Glossary

- AABA** American Anti-Boycott Association; an attorney-led antiunion organization formed in 1902 that used lawsuits against labor unions in an effort to fight boycotts and closed shops
- AFL** American Federation of Labor; a federation of unions, including trades and central labor councils, founded in Columbus, Ohio, in 1886
- AFL-CIO** American Federation of Labor–Congress of Industrial Organizations; the two major labor federations that merged in 1955
- ALL** American Liberty League; organization of business owners founded in 1934 to oppose the New Deal of Franklin D. Roosevelt
- American Legion** a major player in employers’ networks and propaganda efforts against unions and labor radicals
- American Plan** Synonymous with open shop; a phrase that many employers used in the hyperpatriotic post–World War I period
- BAF** Better America Federation; one of the numerous employer front organizations set up in the interwar period to label unions as Communist fronts run by outside agitators
- BI** Bureau of Investigation (later Federal Bureau of Investigation); federal government agency formed in 1908 that was involved in wartime spying on radical and labor organizations
- CA** Citizens’ Alliances; also sometimes Citizens’ Associations, an employer-led group advocating open shops. *See also* Employers’ Association.
- CAA** Christian American Association; founded by Houston-based oil industry lobbyist Vance Muse in 1936 to campaign for the establishment of “right to work” laws; often employed racism and anti-Semitism in its campaigns. *See also* Right to work.
- CIAA** Citizens’ Industrial Association of America; a national federation of local citizens’ alliances and employers’ associations formed in Chicago in 1903 to help business owners and antiunionists avoid harassment from unionists
- CIO** Congress of Industrial Organizations; federation of unions established by John L. Lewis in 1935 and dedicated to organizing workers in all industries; primarily focused on mass industries
- CLC** Central Labor Councils; city-based organizations established by both the AFL and the CIO to bring workers together and oppose employers’ organizations
- Closed shop** Workplace in which union membership is a condition of employment
- COC** Chamber of Commerce; local organization of business owners for mutual benefit often active in promoting open shops and the American Plan
- CP** Communist Party; the largest radical organization in the United States in the 1930s; founded in 1919 as a division of the Socialist Party

CSD Closed Shop Division of the UTA that in 1923 became the Printers' League of America

Dies Committee See HUAC.

EAD Employers' Association of Detroit; an employers' association instrumental in keeping unions out of Detroit that became embroiled in a bitter dispute with brass workers in the early 1900s

Employers' Association An organization of employers formed for solidarity and to empower capitalists to counter the strength of organized workers

Gilded Age Period of the late nineteenth to early twentieth centuries (so labeled by Mark Twain and William Dean Howells, who called it a tawdry reality beneath a gleaming surface)

Great Upheaval Period of massive, widespread labor strikes and unrest in 1886 (sometimes used to refer to the general railroad strike of 1877)

House Special Committee to Investigate the NLRB Also known as the Smith Committee; committee organized by Rep. Howard Smith of Virginia that warred with the Senate Civil Liberties Committee over the fate of the CIO and the NLRB and also the future of the New Deal reform agenda

HUAC House Special Committee on Un-American Activities, originally known as the Dies Committee; launched in 1938 to target both radicals and labor activists and to counter the Senate Civil Liberties Committee, with which it warred over the fate of the CIO, the NLRB, and the future of the New Deal reform agenda

ILA International Longshoremen's Association; an AFL affiliate of dock and shipping workers

ILLA Independent Labor League of America; union of nonunionist workers established in Elmira, New York, in 1903

ILWU International Longshoremen's and Warehousemen's Union; a radical-leaning CIO union that was a target of employers and congressional investigations during the 1930s

IPP International Printing Pressmen and Assistants' Union; AFL affiliate in the printing industry

ITU International Typographical Union; major printing industry union

IWW Industrial Workers of the World; established in 1905, a radical advocate of industrial unionism and striking

KOL Knights of Labor; reform and labor organization that surged in 1885–86 and that advocated the organization of all producers but excluded employers; one of the first major targets of employer activism

La Follette Committee See Senate Civil Liberties Committee

Laissez-faire A theory of capital–government relations in which the state declines to intervene in market relations

McClellan Committee United States Senate Select Committee on Improper Activities

MID Military Intelligence Division of the U.S. Army; an instrument that in alliance with employers worked to spy on workers during and after World War I

Mr. Block Cartoon of a clueless, conformist antihero whose sufferings result from his misplaced faith in the beneficence of capitalists, politicians, and police

MVF Mohawk Valley Formula; a set of union-busting strategies developed in the 1930s by the Remington Rand Company, a major NAM employer in upstate New York

NAM National Association of Manufacturers; founded in Cincinnati, Ohio, in 1895 to promote international trade; focused chiefly on fighting unions in 1902–3; one of Clarence Bonnett's "belligerent" organizations

NCF National Civic Federation; employer-led organization founded in 1900 that sought to include union representatives and public members to give a reform face to its aim of containing the union movement's influence

NEA National Erectors' Association; an open-shop employers' association formed in New York City in 1903

Neoliberalism Policy philosophy that advocates economic liberalization such as privatization, fiscal austerity, deregulation, free trade, and reductions in government spending

New Deal The name for the program of recovery in Franklin Delano Roosevelt's administration in the 1930s

NFA National Founders' Association; employer association founded in 1898; one of Clarence Bonnett's "belligerent" organizations

NFLA National Free Labour Association; the first union of nonunion workers, established in England in 1893 because its members supposedly believed that trade unionism had become incurably disruptive and radical

NIRA National Industrial Recovery Act; Roosevelt's 1933 law authorizing the NRA, whose section 7a sanctioned the right to organize and bargain collectively

NLG National Lawyers Guild; major ally of radical unions in the 1930s that opposed employers' American Liberty League

NLRA National Labor Relations Act; the 1935 law that authorized the NLRB and granted workers the right to organize and bargain collectively; also called the Wagner Act

NLRB National Labor Relations Board; the governing agency authorized by the NLRA that had the authority to arbitrate labor disputes, enforce its decisions, and investigate employer violations of the NLRA, including the power to bring court action against employers

NMTA National Metal Trades Association, an antiunion employers' association founded in 1899; one of Clarence Bonnett's "belligerent" organizations

NRA National Recovery Administration; agency authorized by the NIRA with a mandate to foster a program of economic revival

NWLB National War Labor Board; a World War II-era agency that provided mechanisms through regional and national oversight to investigate violations of war-era labor policies

Open shop A workplace in which there is no requirement that employees join a union

OSD Open Shop Division of the UTA that was formed in 1912 and became the Open Shop Printers of America

PIA Printing Industry of America; created in October 1945 to unite disparate graphic arts organizations; became the base of antiunionism in printing

Race management A methodology of extracting production that sometimes simply involves placing ethnicities or races in competition and sometimes advances notions of the fitness of certain ethnotypes for certain jobs and certain types of labor

RAI Railway Audit and Inspection Company; leading antiunion agency of the early twentieth century

Railroad strike of 1877 Nationwide strike that ignited in Martinsburg, West Virginia, when the Baltimore and Ohio railroad lowered wages for the second time in eight months, by 10 percent

Right to work The slogan used to describe laws that outlaw a union in which employees are obligated to join or pay dues

Scientific management A theory of managerial practice associated with Frederick Winslow Taylor, who argued for the separation of mental and manual aspects of production, justified hierarchy in the workplace, and sought to displace worker solidarity and unions

Senate Civil Liberties Committee Also called the La Follette Committee; the major labor-friendly Senate committee investigating violations of the NLRA that, from 1936 to 1940, warred with HUAC and the House Special Committee to Investigate the NLRB over the fate of the CIO, the NLRB, and the future of the New Deal reform agenda

Smith Committee See House Special Committee to Investigate the National Labor Relations Board

SSIC Southern States Industrial Council; established by southern employers in 1933 to fight pro-labor New Deal legislation and working-class activism

Strikebreakers Nonunion workers hired to replace union workers who have left the workplace in order to strike

Taft-Hartley Act Amendment to the National Labor Relations Act, passed in 1947, that limited workers' free-speech rights, expanded employer free-speech rights, and enacted mechanisms that limited the reach of unionism

Typothetae See UTA

UFCW United Food and Commercial Workers' Union; main union of retail stores that struck groceries in southern California and has been criticized by labor writer Joel Jordan for ignoring the systemic obstacles to fair wages and humane working conditions

Union shop A form of postemployment closed-shop arrangement with employers, in which the employer has the right to hire employees, but all employees must join the union; a major achievement of the mid-twentieth century mainstream labor movement in states that did not pass right-to-work laws

U.S. Shipping Board Federal agency established by law in 1916 with broad control over the commercial shipping industry of the United States

UTA United Typothetae of America; main industry association of the printing industry, established in 1887, whose Closed Shop and Open Shop Divisions eventually became separate organizations

Wagner Act See NLRA

Wobblies See IWW

WLB War Labor Board; agency established in World War I, and again in World War II, with the authority to settle disputes between employers and workers in order to ensure wartime production

"Yellow dog" contract Contract of employment in which the worker agrees to refrain from joining a union

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Index

- Abt, John J., [132](#), [138](#), [149](#)
- AFL (American Federation of Labor). *See* American Federation of Labor
- AFL-CIO, [14](#)
- African Americans, [238](#); employing in industry, [35–37](#); Great Migration, [36](#), [107](#); in laundry strike, [109–10](#); *The Philadelphia Negro*, [33](#); prejudice against, [7](#); in World War I, [106](#). *See also* Clemmons, Ralph; longshoremen, Black; race management
- agency, workers, ' [19n1](#)
- Ahner, A. A., [17–18](#), [161–62](#); background of, [167–68](#); during Great Depression, [169–70](#); as industrial relations counsel, [161–62](#), [171](#), [174–75](#); investigations of, [160–61](#), [169](#); in Kansas City, [169](#), [170–71](#), [176](#); in negotiation, [169](#); police cooperation with, [169](#); tactics of, [169](#), [170](#), [172](#), [175–76](#); work for Curlee, [168](#); work with Brown, [175](#); work with Forest City Manufacturing, [171–72](#)
- Alabama State Docks, [120](#)
- Alien Registration Act (Smith Act), [148–49](#)
- aliens, [148–49](#). *See also* immigrants
- Amalgamated Clothing Workers Union, [168](#)
- American Civilization* (James), [30](#)
- American Civil Liberties Union (ACLU), [132](#)
- American Federation of Labor (AFL), [12](#), [97](#), [129](#), [134](#), [136](#); anticommunism of, [131](#); in Columbus, [204](#); complicity in antiunionism, [129](#); socialists in, [162](#); suppression of radicals in, [171](#)
- American Industries* (journal), [187](#)
- American Legislative Exchange Commission, [19](#)
- American Liberty League, [161](#)
- American Plan, [11](#), [191](#), [193](#)
- Anderson, Charles, [172](#)
- Anthony, Howard, [96](#)
- anticommunism, [13–14](#), [17](#), [129](#), [148](#); AFL's, [131](#); and opposition to CIO, [133](#), [143](#), [150](#); St. Louis Labor College, [174](#); used to damage NLRB, [150](#). *See also* antiradicalism; Communist Party
- antiradicalism, [131](#), [136](#); Brown's work for, [174](#); as CIA's goal, [165](#); during Cold War, [13–14](#); and FBI, [173–74](#). *See also* anticommunism
- antiunionism, [241](#); ideology of, [216](#); liberals in, [5](#); and local context, [184](#); need for organization, [6](#); need to historicize, [1–2](#); studies of, [3–5](#). *See also* open-shop movement; open shops; union

avoidance
antiunionists, [161](#); affiliation with Far Right groups, [177](#); image of, [69](#); tactics of, [159](#), [161](#), [163](#), [166](#), [173](#), [177](#), [197](#), [199–200](#), [241](#); tactics of, investigation into, [132](#); unions for, [59–66](#). *See also* open shops; open-shop movement; union avoidance
apprentice training programs, [64](#), [164](#), [196](#)
assembly, freedom of, [11](#), [160](#), [171](#), [177](#), [221](#), [229](#)
Associated Farmers, [146–47](#), [149](#)
automobile industry, [99](#)

Babson, Steve, [79](#)
Baker, Ray Stannard, [54](#)
Baltzell, E. Digby, [33](#)
bargaining orders, [229](#)
Baritz, Loren, [41](#)
Barr, Stanley, [220](#), [228](#)
Bartlett, Frank, [87](#)
Beck, David, [136](#)
Be-Lo: antiunion tactics, [222–23](#), [225](#); injunctions against picketing, [221–22](#); and NLRB's response to UFCW complaints, [222–25](#); violation of workers' rights, [213](#); violations of labor law, [225](#)
Be-Lo campaign, [212](#), [219–20](#), [222](#)
Bender, Fred, [173](#), [176](#), [177](#)
Ben Franklin Club, [189](#)
Bethel, Terry, [229](#)
Better America Foundation (BAF), [135](#), [137](#)
Big Star, [216](#)
blacklists, [57](#)
Blankenhorn, Heber, [160](#), [173](#)
Blesch, August, [83](#), [89](#), [95](#), [96](#), [97](#)
Blume, Richard, [170](#)
Bonham, Raphael P., [135](#), [136](#), [145](#)
Bonnett, Clarence, [3](#), [185](#)
Booth, Clarence H., [81](#)
Boulware, Lemuel, [4](#)
boycott, outlawing of, [163–64](#)
Brandeis, Louis D., [5](#)
brass industry, [79](#), [80–96](#)
Braverman, Harry, [30](#), [42](#)
Bridges, Harry, [130](#), [133](#), [136](#), [139](#), [140](#), [141–42](#), [144](#), [145](#)
briefcase methods, [161](#), [177](#). *See also* Ahner, A. A.
Brown, Jerry, [241](#)
Brown, Leo, [161](#), [174](#), [175](#), [176](#)
Brown Shoe Company, [159](#), [160](#)
Building the Union (Babson), [79](#)
Burke, Edward, [134](#)
Butsavage, Carey, [222](#), [225](#)

Calder, Charles, [81](#)

California, 129–30, 133, 135; antiunionism in, 146; CIO in, 143; fears of Communism in, 142; illegal antiunion tactics in, 146; La Follette Committee in, 143, 149; leftward political direction in, 142, 143; NLRB's investigations in, 139; public employees in, 241; search for Communists in, 144; suspected radicals in, 136
 capitalism, 237; expansion of, and labor, 7, 14; instability of, 212–13; Keynesianism, 237, 238; social history of, 1–2. *See also* neoliberalism
 capitalist system, global, 11
 capitalists: agenda of, resistance to, 243–45; strategies of, 239, 240, 241, 243
 Carpenter, Niles, 43
 Chandler, Harry, 134, 139, 140
Chicago Tribune (newspaper), 132, 135, 147, 148
 Chlopek, Anthony, 113, 117, 120
Christian Science Monitor (magazine), 147
 CIO (Congress of Industrial Organizations; Committee for Industrial Organization). *See* Congress of Industrial Organizations
 citizens' alliances, 54, 68, 70, 145–46
 Citizens' Industrial Association (CIA), in St. Louis, 163–65
 Citizens' Industrial Association of America (CIAA), 66–70, 188
 civilization: and race management, 31; saving of, and defeat of unions, 15
 class: delegitimization of, 237; employers as, 2, 8, 162; in labor history, 19n1; and managers, 29; and organization, 67; and union-busting, 54
 class consciousness, 16, 30
 Clayton and Lambert Manufacturing Company, 83–84, 98
 cleaning and dyeing industry, 168–69
 Clemmons, Ralph, 16, 104, 107, 109, 110, 111, 120, 125n38
 clergy: and antiradicalism, 174; Brown, 161, 162, 174, 175, 176; Dempsey, 169, 170, 171; employers' alliances with, 164–65; Fair-child, 60–62, 63–64, 69; as mediators, 171; and open-shop movement, 77n70; in strikebreaking, 70
 Cleveland, Ohio, 56
 closed shop, outlawing of, 13
 clothing industry, 168, 172
 Colbert, Lynn, 218
 Cold War, 13–14, 15
 Collison, William, 60, 69
 colonialism, 31
 Columbus, Ohio, 18; economy, 192–93, 203–4; employers' associations in, 193; labor in, before World War II, 193; organization of printers in, 193–95; union membership in, 196, 203–4
 Columbus Typothetae, 18, 185, 186, 194–95
 Committee for Industrial Organization. *See* Congress of Industrial Organizations
 Commons, John R., 27, 29, 31, 41, 42–43
 Communist Party: Bridges's suspected ties to, 136, 140; CIO linked to, 134, 139, 140; NLRB's suspected ties to, 148, 149. *See also* anticommunism; antiradicalism; radicalism
 company unions, 170, 171, 176
 competition, and organization, 214, 215
 Congress of Industrial Organizations/Committee for Industrial Organization (CIO), 11, 14, 129, 130, 136, 171; anticommunism used to damage, 150; in California, 140; in Columbus, 203; linked to

Communist Party, [134](#), [139](#), [140](#); name of, [150n1](#); opposition to, [131](#), [133](#), [138](#), [143](#), [146–47](#), [149](#); rise of, [133](#); suppression of radicals in, [171](#), [177](#); as target of Dies Committee, [136](#)
 consultants, antiunion, [197](#), [201](#), [224](#), [228](#)
 context, [1](#), [184](#)
 control, frontier of, [236](#), [238](#), [239](#)
 Convy, James, [119](#)
 cooks, in Mobile, [105](#)
 Copeland, Royal S., [134](#)
 Corliss, John, [94](#), [95](#)
 Corwin, Rex, [224](#)
 courts: privileging of corporate interests, [221](#), [226–27](#); and relief from unfavorable NLRB decisions, [226](#); support for employers, [214](#)
 Craver, Charles B., [224](#)
 Crawford, George, [111](#)
 Creel, George, [66](#), [67](#), [69](#). *See also* open shops
 Culver, Chester, [78](#), [80](#), [99](#), [100n5](#)
 Cunningham, Neander D., [122n12](#)
 Cuomo, Andrew, [241](#)
 Curlee, Francis, [168](#), [171](#)
 Curlee Clothing, [168](#)

 Daniels, Mitch, [240](#)
 Davis, Jerome, [37–38](#)
 decentralization, of industry structure, [184](#)
 decentralization, of production, [168](#), [181n32](#)
 defense associations, [56](#). *See also* employers' associations
 defense industry, [148](#)
 Democratic Party, antiunionists in, [170](#)
 Dempsey, Tim, [164–65](#), [169](#), [170](#), [171](#)
 de Schweinitz, Dorothy, [172](#)
 Detroit, [16](#); automobile industry, [99](#); brass industry, [79](#), [80–96](#); containment of unions in, [98–99](#); lack of unions in, [78–79](#); metal strikes, [88–97](#); open shop in, [79](#), [99](#); open-shop movement in, [78–79](#). *See also* Employers' Association of Detroit
 Dies, Martin, [17](#), [134](#), [148](#)
 Dies Committee, [131](#), [134–37](#), [138](#), [139](#), [140](#), [141–42](#), [143](#), [144](#), [145](#)
 Doesburg, John H. Jr., [200](#)
 Donzelmann, Hugo, [68–69](#), [70](#)
 Doray, Bernard, [42](#), [43](#)
 Downey, John, [86](#)
 Drew, Walter, [4](#)
 Dunbar, Alvin S., [194](#)
 Dunnigan, E. J., [118–19](#)
 Dwyer, Jeremiah, [87](#)

 EAD (Employers' Association of Detroit). *See* Employers' Association of Detroit
 Early, Floyd, [176](#)
 Early, Steve, [235n79](#)

Eliot, Charles W., [10](#), [53](#), [64](#)
Ellis, George H., [187](#)
Elmira, New York, [60](#)
Emery, James, [69](#)
employees, defining, [177](#), [183n54](#), [223](#), [241](#)
employees, public, [238](#), [239](#), [240](#), [244–45](#)
employers: militant minority, [5–6](#); organization, [8–15](#); reliance on skilled labor, [98](#); strategies of, investigation into, [132](#); strategies of, shifts in, [239](#); unity of, [118](#). *See also* antiunionism; capitalism; capitalists
Employers' Association of Detroit (EAD), [16](#), [78](#), [79](#), [86](#); conflict with Metal Polishers and Buffers Union, [83–84](#), [89–96](#); disunity in, [81–82](#), [95–96](#), [97](#); and Ideal Manufacturing Company strike, [84–88](#); labor bureau, [98](#); narrative of, [79–80](#), [97–99](#), [100n5](#); speed of action, [82–83](#); and stalemate between employers and metal workers, [97–99](#); state of, [96–97](#)
Employers' Association of St. Louis, [166](#)
employers' associations: Bonnett's study of, [3](#); classification of, [206n6](#); in Columbus, [193](#); in open-shop movement, [53–54](#); in St. Louis, [163](#); and strikebreaking, [55–59](#). *See also* antiunionism; *individual associations*
Employing Printers of America, [190](#), [191](#)
employment bureaus/labor bureaus, [57–58](#), [98](#), [179n17](#)
Ervin, Sam III, [227](#), [228](#)
espionage, [148](#), [160](#), [162](#). *See also* surveillance
ethnic typing, [32–40](#)

Factories in the Field (McWilliams), [144](#)
Fairchild, Edwin Milton, [60–62](#), [63–64](#), [69](#)
Farm Fresh, [216](#), [218](#), [219](#)
Farnam, Dwight Thompson, [36–37](#), [43](#)
FBI, [173–74](#)
fear, employers' use of, [6–7](#), [224](#), [225](#)
Feldman, Herman, [42](#)
Flint, Charles R., [40](#)
Flynn, William E., [114](#)
Food Lion, [18–19](#), [215](#), [216](#)
Ford English School, [39](#)
Ford Times, [39](#)
Fordyce, Samuel, [170](#), [171](#)
foremen: Irish as, [36–37](#); and race management, [43](#), [44](#); training programs, [198](#), [199](#)
Forest City Manufacturing, [171–72](#)
foundry industry, strikebreaking in, [55–57](#)
Francis, Charles, [188](#)
Fraser, William, [81](#), [82](#), [83](#), [91](#), [93–94](#), [97](#)
free labor, employers' control of, [8–9](#)
free market ideology, [214](#)
free men, [58](#)
free shops, [58](#)
Freegard, Edwin, [187](#)
Frey, John, [136](#)

Fricke, J. H., [108](#), [113](#), [117](#), [119](#)
Fridley, Juanita, [219](#)
Friedman, Milton, [4](#)
frontier of control, [236](#), [238](#), [239](#)
Frost, Elliott, [34](#), [39](#)

GAIU (Graphic Arts International Union), [200](#), [202](#)

garment industry, [168](#), [172](#)

Gerber, Larry, [3](#)

Gersabeck, Otto, [93](#), [94](#), [95](#)

Gibbons, Harold, [176](#)

Gilbert, Edward T., [88](#)

Gilded Age, [9](#)

Gindin, Sam, [213](#)

Gissel, [224](#), [227](#), [228](#), [229](#)

Glossbrenner, A. M., [190](#)

Goldwater, Barry, [4](#)

Gompers, Samuel, [240](#)

Goodrich, Carter, [236](#)

government: employers' rejection of intervention by, [9](#); protection of unions, [105](#), [111–13](#); weakness of agencies, [118](#). *See also* courts; state

Gramsci, Antonio, [30](#)

Grapes of Wrath (Steinbeck), [144](#)

Graphic Arts International Union (GAIU), [200](#), [202](#)

Great Depression, [11](#), [169–70](#)

Great Migration, [36](#), [107](#)

Great Recession, [243](#)

Green, William, [135](#)

grocery industry, [212](#), [213](#), [215](#), [216](#), [218–20](#). *See also* Be-Lo; United Food and Commercial Workers

Gross, James, [221](#)

Harris, Howell, [4](#), [98](#)

Harry, G. Y., [166](#)

Hayek, Frederick, [4](#)

Hecker, Albert, [81](#)

Heer, William, [198](#)

Henderson, Charles, [110](#)

Higgins, Otto, [169](#)

history, need to understand, [1–2](#)

Hodges, Frederick, [83](#)

Hoffman, Charles, [85](#)

Holcomb, W. H., [110](#)

Hollywood, [135](#), [139](#), [148](#)

Hoover, Herbert, [32](#)

Hoover, J. Edgar, [167](#), [173](#)

House Special Committee to Investigate the NLRB (Smith Committee), [129](#)

House Un-American Activities Committee (HUAC), [131](#), [150](#), [172](#)

Hughes, Charles L., 200–201
 Hughes, Everett C., 42
 Hughes, Helen M., 42
 Hunter, Henry C., 65
 Hynes, William, 135, 136, 142, 145

 IAM (International Association of Machinists), 57, 60, 62, 63, 108
 Ideal Manufacturing Company, 98
 ILA (International Longshoremen's Association). *See* International Longshoremen's Association
 ILWU (International Longshoremen's and Warehousemen's Union), 130, 133, 135
Immigrant Acts (Lowe), 30–31
 immigrants: Alien Registration Act (Smith Act), 148–49; ethnic typing, 32–40; and management of labor, 36; prejudice against, 7; race development, 39–40; studies of workers, 37–39. *See also* race management; *specific ethnicities*; *specific nationalities*
 immigration, decline in, 41–42
Immigration Commission Report, The, 35
 imperialism, 31
 IMU (Iron Molder's Union), 55, 56, 84, 87
 Independent Labor League of America, 60–61, 63, 64–65, 68, 69
 Independent Order of Labor, 68–69
 Indiana, 240
Industrial Management (journal), 36
 industrial unionism, 214
 Industrial Workers of the World (IWW), 27
 injunctions, 63, 85, 87, 92, 93, 98, 172, 221
Instincts in Industry (Tead), 40
 International Association of Machinists (IAM), 57, 60, 62, 63, 108
 International Brotherhood of Boilermakers, 108
 International Ladies Garment Workers Union, 172
 International Longshoremen's and Warehousemen's Union (ILWU), 130, 133, 135
 International Longshoremen's Association (ILA), 107, 113, 119–20; dispute with Mallory Steamship Line, 110–11; in Mobile, 108, 117–18; in New Orleans, 116–17; revival of, 120; toleration of, 112. *See also* Clemmons, Ralph; longshoremen, Black; Mobile, Alabama
 International Printing and Graphic Communications Union (IPGCU), 200
 International Printing Pressmen and Assistants' Union (IPP), 187
 International Typographical Union (ITU), 185, 186–87, 188, 191, 196
 intimidation, 225
 IPGCU (International Printing and Graphic Communications Union), 200
 IPP (International Printing Pressmen and Assistants' Union), 187
 Ireland, David, 81
 Irish, 36–37, 164–65
Iron Age (journal), 35, 39, 40
Iron Molders Journal (journal), 56
 Iron Molders' Union (IMU), 55, 56, 84, 87
 ITU (International Typographical Union), 185, 186–87, 188, 191, 196
 IWW (Industrial Workers of the World), 27

Jacoby, Sanford, [41](#)
 James, C. L. R., [30](#)
 Jenkins, J. C., [113](#)
 Johnson, Charles, [35–37](#)
 Johnson, D. P., [111](#)
 Johnson, Hugh S., [170](#)
 Johnson, S. O., [81](#)
 Jones, Jacqueline, [33](#)
 Jones, Will, [37](#)
 Jordan, Joel, [213](#)
 Julian, Michael, [218](#), [219](#)
 Jung, Harry, [135](#)

Kamp, Joseph P., [139](#)
 Kansas City Citizen's Protective Council, [170–71](#)
 Kansas City, Kansas, [169](#), [176](#)
 Kasich, John, [240](#)
 Kaufman and Canoles, [228](#)
 Kerr, Margaret, [135](#)
 Keynesianism, [237](#), [238](#)
 Kiely, Matthew, [163](#)
 Knights of Labor, [9](#)
 Knowles, Harper, [135](#), [141–42](#), [145](#)
 Kratky, Robert J., [168](#)
 Kroenke, Louis, [93](#), [94](#)
 Ku Klux Klan, [107](#), [110](#), [122n12](#)

labor, reliance on, [98](#)
 labor activism, peak years, [201](#)
 labor bureaus/employment bureaus, [57–58](#), [98](#), [179n17](#)
 labor law, [220](#); effect on labor movement, [229](#); inequities built into, [230](#); violations of, [225](#);
 weakening of, [225](#)
 labor leaders: capitalist expansion and, [7](#); conservative, [14](#)
 Labor-Management Committee, [161](#)
 Labor Management Relations Act. *See* Taft-Hartley Act
 Laclede Gas, [170](#), [171](#)
 La Follette, Robert, [131](#), [132](#), [133](#), [138–39](#), [144](#), [146](#), [172](#)
 La Follette Civil Liberties Subcommittee, [17](#), [18](#), [131–34](#), [135](#), [136](#), [138](#), [145](#); in California, [143](#),
 [149](#); investigations of Ahner, [160–61](#), [169](#); rivalry with Dies Committee, [137](#), [144](#); as target of
 Dies Committee, [136](#)
 Landers, Maurice W., [57](#)
 Lange, Dorothea, [146](#)
 LAPD (Los Angeles Police Department), [135](#), [137](#), [139](#), [142](#), [143](#)
 laundry and dry cleaning industry, [175](#)
 laundry workers, in Mobile, [105](#), [109–10](#)
 Laundry Workers Union, [109–10](#)
 law, labor. *See* labor law

legal strategies: employers' use of, [110](#), [163–64](#); injunctions, [63](#), [85](#), [87](#), [92](#), [93](#), [98](#), [172](#), [221](#); labor's reliance on, [19](#); litigation, [225–28](#); subpoena, [132](#); used to thwart working-class militancy, [220](#); vagrancy law, [110](#). *See also* legal system

legal system, [10](#); and disintegration of working-class cohesion, [221](#); employers' use of, [225](#)

LePage, Paul, [241](#)

liberals, [5](#), [12](#)

Licht, Walter, [33](#)

Lichtenstein, Nelson, [229](#)

Linsky, Martin J., [222](#), [224](#)

litigation, Be-Lo's use of, [225–28](#)

Logan, John, [221](#)

London, Jack, [52](#)

longshoremen: Mobile strike, [114–20](#); in New Orleans, [116–17](#)

longshoremen, Black, [104](#), [105](#), [107](#), [108](#), [111](#), [114–20](#). *See also* Clemmons, Ralph; International Longshoremen's Association

longshoremen, White, [107–8](#), [114](#), [120](#)

Los Angeles Police Department (LAPD), [135](#), [137](#), [139](#), [142](#), [143](#)

Los Angeles Times (newspaper), [133](#), [139](#), [140](#), [145](#), [146](#), [149](#)

Lowe, Lisa, [30–31](#)

Ludwig, Martin, [88](#)

Luff, Jennifer, [131](#)

Luttig, J. Michael, [226](#)

Madden, Joseph, [159](#)

Maine, [241](#)

Making Unions Unnecessary (Hughes), [201](#)

Mallory Steamship Line, [110–11](#)

management, defining, [241–42](#)

management consultants. *See* consultants, antiunion

marches, depicted as form of terror, [10](#)

Marine Employers' Association of the Port of Mobile (MEA), [16–17](#), [113–18](#)

Marx, Karl, [29](#)

Marxism, [29–30](#)

master printers, [185](#). *See also* printing industry; United Typothetae of America

Matthews, J. B., [140](#), [148](#), [150](#)

Mavrakos plant, [176](#)

McCarthy, Joseph, [149](#), [150](#)

McCarthyism, [229](#)

McClellan Committee, [173](#)

McNutt, Thomas R., [217](#), [219](#), [220](#)

McWilliams, Carey, [143](#), [144](#), [146](#), [147](#)

MEA (Marine Employers' Association of the Port of Mobile), [16–17](#), [113–18](#)

Meany, George, [14](#)

Melfi, Catherine, [229](#)

Metal Polishers and Buffers Union, [84](#), [88](#), [89–96](#)

Metal Polishers, Buffers, and Platers International Union of North America, [80](#), [96](#)

Metal Trades Council, [82](#)

Meyer, Stephen, 79
 Michigan, 240, 245
 Midvale Steel, 33
 Midwest, 18
 Miller, James A., 62, 70
 Miller, Victor, 168
 Minchin, Timothy, 228
 Missouri: right-to-work laws in, 244; St. Louis, 162–77
 Mobile, Alabama, 16–17, 104–20, 125n38
Mobile News-Item, The (newspaper), 116
Mobile Register, The (newspaper), 116
 Mohawk Valley Formula, 12
 Monaghan, George, 91
 monopoly, use of term, 72n11
 Montgomery, David, 33–34, 39
Monthly Labor Review (journal), 37
 Mosher, W. S., 55
 Mosher Manufacturing Company, 55
 Mr. Block cartoons, 27, 43
 Munson Steamship Company, 112
 Münsterberg, Hugo, 38, 42
 Myers, L. D., 193

 NAACP, 125n38, 245
 NAM (National Association of Manufacturers), 3, 12, 13, 53, 69, 129, 134, 135, 188
 National Association for the Advancement of Colored People (NAACP), 125n38, 245
 National Association of Manufacturers (NAM), 3, 12, 13, 53, 69, 129, 134, 135, 188
 National Civic Federation, 3, 136
 National Erectors' Association (NEA), 3, 53
 National Founders' Association (NFA), 3, 53, 55–57, 70
 National Free Labour Association (NFLA), 60
 National Industrial Recovery Act (NIRA), 170–71, 195
 nationality, and personnel management, 34–35
 National Labor Relations Act (NLRA), 11–12, 17, 131–32, 134, 177, 225, 226, 227, 229, 235n74; evisceration of, 13; ineffectiveness of, 159; need for enforcement of, 160; PAA's opposition to, 196; threats to antiunionists, 171; workers represented under, 12
 National Labor Relations Board (NLRB), 135, 137; accusations against, 139; activity in California, 139, 145–46; and Ahner, 172; anticommunism used to damage, 150; bureaucracy of, 220–21; changes to leadership, 149; dismissal of ruling on Be-Lo, 227–28; establishment of, 131; *Gissel*, 224, 227, 228, 229; ineffectiveness of, 213; investigation into, 148; opposition to, 134; privileging of corporate interests, 221; suspected ties to Communist Party, 148, 149; UFCW and, 219, 222
 National Lawyers Guild (NLG), 132
 National League of Independent Workmen of America, 62
 National Metal Trades Association (NMTA), 3, 6, 53, 57, 62, 63, 70
 national security, 14, 162
 National War Labor Board, 166

Nation's Business (journal), 39
 NEA (National Erectors' Association), 3, 53
 Nelson, N. O., 164
 neoliberalism, 7, 15, 213, 214, 239, 241, 243, 245
 Nevins, Allen, 78
 New Deal, 11, 12, 18, 129; antiunion repression agenda during, 177; opposition to, 134, 161; rejection of, 3; in studies of anti-unionism, 4
 New Economy, 218
 New Orleans, longshoremen in, 116–17
 New York, 241
 newspaper printing, 186–87
 newspapers, 116. *See also individual newspapers*
 NFA (National Founders' Association), 3, 53, 55–57, 70
 NFLA (National Free Labour Association), 60
 Nimmo, Ray E., 141, 142
 NIRA (National Industrial Recovery Act), 170–71, 195
 NLRA (National Labor Relations Act). *See* National Labor Relations Act
 NLRB (National Labor Relations Board). *See* National Labor Relations Board
NLRB v. Gissel Packing Co., 224, 227, 228, 229
 NMTA (National Metal Trades Association), 3, 6, 53, 57, 62, 63, 70
 nonunionists: as free men, 58; presence of, 52; treatment of, 52; unions for, 59–66; views of, 52–53. *See also* open shops; strikebreakers

 O'Connor, T. V., 112, 117–18
 O'Donnell, D. M., 197
 Ohio: open-shop movement in, 188; public employees in, 240; resistance to capitalists' agenda in, 245; right-to-work laws in, 244
 Ohio Printers Federation, 196, 197
 O'Neil, John J., 87
 Open Shop Printers of America, 191
 open-shop movement, 53; American Plan, 11, 191, 193; and clergy-employer alliances, 164–65; in Detroit, 78–79; and Ideal Manufacturing Company, 85, 88; liberals in, 5; in Mobile, 105; in Ohio, 188; reformist characteristics, 77n70; rhetoric of, 71; and strikebreakers, 62; terminology of, 67
 open shops, 16; in Detroit, 79, 99; as free shops, 58; in Mobile, 116, 120
 Oppressive Labor Practices Act, 172
 organization: of employers against labor, 8–15; employers' need for, 6; right to, 129
 outsourcing, 14–15
 Oviatt, Percival D., 67–68

 PAA (Printing Arts Association), 195–96, 197, 198
 panic of 1907, 96
 Panitch, Leo, 213
 Parry, David M., 65, 70
 patriotism, 11, 135, 191
 pattern bargaining, 202
 Payne, N. B., 62–63
 Payne Company, 62–63

Pearson, Chad, [41](#)
 Penton, John A., [55–56](#), [66](#)
 “people, the,” [54](#)
 Perkins, Frances, [136](#), [142](#), [144](#)
 Petersen, Frank, [169](#)
 Petro, Sylvester, [4](#)
 Pfahler, William H., [55](#)
 Philadelphia Association for the Discussion of Labor Problems, [34](#)
Philadelphia Negro, The (Du Bois), [33](#)
 PIA (Printing Industry of America), [192](#), [196–97](#), [204](#)
 picketing, [10](#), [221–22](#), [243](#)
 PICO (Printing Industry of Central Ohio), [198–202](#)
 Pillans, Harry, [111](#)
 PIO (Printing Industry of Ohio), [197](#)
 PIsA (Printing Industries of America), [198](#), [201](#), [204](#)
 Planson, William, [198](#)
 police: alliance with employers, [163](#); assault on strikers, [85](#), [86](#), [168](#); cooperation with Ahner, [169](#); in Ideal strike, [85](#), [86](#); and kidnapping of Clemmons, [111](#); LAPD, [135](#), [137](#), [139](#), [142](#), [143](#); in Metal Polishers strike, [90](#); in Mobile laundry strike, [109–10](#); in strikes, [147](#)
 politics. *See* courts; government; state
 Populist movement, [164](#)
 Populist Party, [9](#)
 Post, C. W., [69](#)
 prejudice, employers’ use of, [6–7](#)
 premium system, [62–63](#)
 “Principles of Scientific Management” (Taylor), [32](#)
 Printers’ League of America, [191](#), [192](#)
 Printers’ National Association, [192](#), [196](#)
 Printing Arts Association (PAA), [195–96](#), [197](#), [198](#)
 Printing Industries of America (PIsA), [198](#), [201](#), [204](#)
 printing industry, [18](#), [184–204](#); antiunion philosophy, [199](#); apprentice training programs, [196](#); in Columbus, [193–95](#); Columbus Typothetae, [18](#), [185](#), [186](#), [194–95](#); Employing Printers of America, [190](#), [191](#); foremen, [198](#), [199](#); Ben Franklin Club, [189](#); Graphic Arts International Union (GAIU), [200](#), [202](#); International Printing and Graphic Communications Union (IPGCU), [200](#); International Printing Pressmen and Assistants’ Union (IPP), [187](#); International Typographical Union (ITU), [185](#), [186–87](#), [188](#), [191](#), [196](#); labor relations, [198–203](#); Ohio Printers Federation, [196](#), [197](#); Open Shop Printers of America, [191](#); Printers’ League of America, [191](#), [192](#); Printers’ National Association, [192](#), [196](#); Printing Arts Association (PAA), [195–96](#), [197](#), [198](#); Printing Industries of America (PIsA), [198](#), [201](#), [204](#); Printing Industry of America (PIA), [192](#), [196–97](#), [204](#); Printing Industry of Ohio (PIO), [197](#); Printing League of America, [188–89](#); Taft-Hartley Act and, [197](#); union decline in, [204–5](#); Union Employing Printers Division (UEPD), [198](#); union shop employers, [188–89](#). *See also* United Typothetae of America
 Printing Industry of America (PIA), [192](#), [196–97](#), [204](#)
 Printing Industry of Ohio (PIO), [197](#)
 Printing League of America, [188–89](#)
Production of Difference, The (Esch and Roediger), [31](#)
 productivity, and race, studies of, [37–39](#), [40](#)

profitability, [213](#), [216](#), [217](#), [230n2](#), [232n24](#)
Progressive Era, [10](#)
Progressivism, CIA's claims to, [164](#), [165](#)
propaganda, by employers, [164](#), [199](#)
Psychology and Industrial Efficiency (Münsterberg), [38](#)
public employees, [238](#), [239](#), [240](#), [244–45](#)

race, [15](#), [34](#), [40](#), [115](#); and antiunion activities, [17](#); and attribution of skill, [29](#); and division of work, [33–35](#); and employers' strategies, [10](#); employers' use of prejudice, [6–7](#); and labor militancy, [109](#); and management of labor, [27–44](#); and Marxism, [29–30](#); during Mobile longshoremen strike, [115](#); and past practice, [31](#); scholarship on, [30](#); studies of, [37–39](#), [40–42](#)
race development, [39–40](#)
race-making, [30–31](#)
race management, [32–34](#), [40–43](#)
Races and Immigrants in America (Commons), [27](#)
radicalism: fear of, [6–7](#); perceived in strikes, [167](#); purged from labor movement, [14](#), [171](#), [177](#). *See also* anticommunism; antiradicalism; Communist Party; socialism
Radical Unionism (Feurer), [173](#), [174](#)
railroads, [9](#)
Railway Audit and Inspection Company (RAI), [161](#), [167](#)
Reed, Adolph, [15](#)
reformers, support for antiunionists, [66–67](#)
Republican Party, [8](#), [245](#)
Rhone, Ed, [108](#)
Riebe, Ernest, [27](#), [29](#), [43](#)
Right, rise of, [3](#), [4](#), [161](#)
rights, of workers, [11](#), [177](#), [213](#), [229](#). *See also* assembly, freedom of; National Labor Relations Act; speech, freedom of
Right to Manage (Harris), [4](#)
right-to-work laws, [13](#), [217](#), [239](#), [242–43](#), [244](#), [245](#)
Roberts, Dougald, [82](#), [83](#)
Rogers, William, [166](#), [167](#)
Roosevelt, Franklin Delano, [148](#)
Roosevelt, Teddy, [5](#)
Ross, E. A., [37](#)
RTW (right-to-work), [13](#), [217](#), [239](#), [242–43](#), [244](#), [245](#)
Russian Immigrant, The (Davis), [37–38](#)
Russians, [38](#)

Safeway, [216](#)
Santa Cruz, George, [115](#), [118](#), [119](#)
scabs. *See* nonunionists; strikebreakers
Schmidt examples, [32](#), [42](#)
Schwedtman, Ferdinand, [163](#)
scientific management, [27](#), [32–34](#), [42–43](#)
security, national. *See* anticommunism; antiradicalism; national security
segregation, on Mobile waterfront, [107–8](#)

Senate Select Committee on Improper Activities in Labor and Management (Mc-Clellan Committee), 173

Shaw, David, 142, 160

Shefferman, Nathan, 161, 162, 173, 197

Shepley, Ethan, 161

shoe industry, 159, 163, 168, 181n32

Simon, Bryant, 214

Sinclair, Upton, 32

slavery, 29, 30

slave trade, 30

Smith, Edwin, 131

Smith, Howard, 17, 148

Smith, Robert Michael, 161

Smith, W. S., 112, 113

Smith Act (Alien Registration Act), 148–49

Smith Committee, 129, 148, 149

Snyder, Rick, 240

social contract, 237

social Darwinism, 10

socialism: in AFL, 162; fears of, 165. *See also* antiradicalism; radicalism

Social Science Research Council (SSRC), 40

Sokol, David, 143, 146

Sokolsky, George E., 132, 134, 135, 139, 144, 150

Sontag, Deborah, 226

South (region), 18; antiunionism in, 228; attitudes about unionism in, 219; organized labor in, 214–15; right-to-work laws in, 242–43; and roots of union avoidance, 177; textile industry, 214; union avoidance in, 212

Southard, S. R., 194

speech, freedom of, 11, 18, 160, 171, 177, 221, 222, 225, 226, 229, 235n74, 242

Spoehrer, Charles, 171, 174–75

spying. *See* espionage; surveillance

SSRC (Social Science Research Council), 40

Starnes, Joe, 142

state, 7, 8–9, 10–11, 23n21, 214, 239. *See also* courts; government; national security

steel industry, 40

Steinbeck, John, 144, 146

Stelzle, Charles, 67, 70

Sterling and Skinner, 91

Stickney, William, 198

St. Louis, 162–77

St. Louis Labor College, 174

Stone, Katherine, 40

Storrs, Landon, 131

Stouder, Ben, 83–84, 85, 88

strikebreakers: goals in using, 98; as heroes, 55, 58, 64; image of, 58, 67; incentives for, 58–59; in Metal Polishers strike, 89; training for, 207n21; views of, 51, 70, 71, 71n6. *See also* nonunionists

strikebreaking, 15–16, 17, 68, 162; from below, 59–66; by employers, 54–59; in foundry industry, 55–57; justifying, 70; legitimizing, 54–59; during Mobile long-shoremen strike, 115; and terminology, 58; by vigilante action, 68, 76n64; and worker recruitment, 54–55

strikebreaking agencies, 161

strikes: abandonment of tactic, 14, 229; in Gilded Age, 9; radicalism perceived in, 167; as threat to war preparation, 148; violence in, 61, 85, 86, 89–91, 163

Strout, Richard, 146

subpoena, 132

Sullivan, Edward, 135, 136

surveillance: of African Americans, 106; of Bridges, 135, 149; by employers, 141; LAPD's network, 143; private-public networks, 129, 130, 137, 143, 150, 163, 174; of radicals, 136. *See also* espionage

sweetheart contracts, 175

Taft-Hartley Act, 4, 13, 131, 150, 177, 197, 222, 226, 235n74, 241–42

Tansey, George, 164, 165

Tate, John, 4, 162, 177

Taylor, Frederick Winslow, 27, 32–33, 42

Tead, Ordway, 40

Teamsters, 175, 176

textile industry, 214

Thomas, Claudius, 81

Thomas, Elbert, 131, 132, 133, 144, 146

Thompson, Henry, 119

Thompson, William, 91, 92–93

timber, handling, 107–8

timbermen, 107–8, 114

tradition, and race, 31

Trix, John, 80, 96

Turner, Horace, 114, 116, 117

UEPD (Union Employing Printers Division), 198

UFCW (United Food and Commercial Workers), 18–19, 215–16, 219, 222, 235n79

ULC (United Labor Committee), 244

union avoidance, 17, 177, 199–200, 228; briefcase methods, 161, 177; southern style of, 212; Wal-Mart way, 212. *See also* antiunionists

union-avoidance consultants. *See* consultants, antiunion

union-busting, 54–59, 160

Union Employing Printers Division (UEPD), 198

unionists, image of, 69

unions: containment of, 98–99; efforts to destroy, 14–15; government protection of, 105, 111–13; ideological conformity among, 14; legitimacy of, 11, 13, 237; for nonunionists, 59–66; resistance to capitalists' agenda, 243–45; undermining of, 240–41; weakening of, 239

unions, company, 170, 171, 176

United Electrical Workers Union, 173

United Food and Commercial Workers (UFCW), 18–19, 215–16, 219, 222, 235n79

United Labor Committee (ULC), 244

United Typothetae of America (UTA), [184](#), [193](#); Closed Shop Division (CSD), [190](#); conflict over open shop, [187–88](#); departure of Columbus Typothetae from, [195](#); dissolution of, [192](#); disunity in, [185](#), [186](#), [188](#), [203](#); labor policy, [185](#), [186–88](#), [189–91](#), [203](#); membership, [186](#), [188](#); Open Shop Division (OSD), [189](#), [190](#); support for open shop, [191](#)

U.S. Shipping Board, [106](#), [111](#), [112](#), [113](#), [114](#), [116–18](#), [119](#)

UTA. *See* United Typothetae of America

Vance, R. Reid, [195](#), [198](#)

Van Cleave, James, [163](#), [179n17](#)

Van Deman, Ralph, [135](#), [137](#)

violence, [89–90](#); employers' use of, [70](#); in strikes, [61](#), [85](#), [86](#), [89–91](#), [163](#)

Virginia, [212](#), [213](#), [216–17](#). *See also* Be-Lo; grocery industry; United Food and Commercial Workers

Voorhis, Jerry, [148](#), [149](#)

wages, and antiunionist unions, [66](#)

Wagner Act. *See* National Labor Relations Act

Walker, Scott, [240](#), [244](#)

Wal-Mart, [161](#), [177](#), [212](#), [215](#), [216](#)

Walsh, Joseph, [114](#), [115](#)

waterfront, Mobile's: efforts to eliminate unions on, [113](#), [116](#); employer unity on, [118–19](#); labor movement on, [107–9](#). *See also* Clemmons, Ralph; International Long-shoremen's Association; Mobile, Alabama

Waterfront Employers' Association, [135](#)

Waterman, John B., [106](#), [114](#)

Whirl, John, [79](#), [82](#), [83](#), [84](#), [85](#), [87](#), [96](#), [97](#)

White Citizen's Council, [177](#)

Whitehouse, Oscar, [197](#)

White supremacy, [29](#)

Wilder, Douglas, [216](#)

Wilkinson, J. Harvie III, [226](#)

Williams, John, [34](#)

Wisconsin, [240](#), [244](#), [245](#)

women, Black, [109–10](#)

Wood, Reuben, [172](#)

Woofert, T. J., [42](#)

workday, length of, [8](#)

workers: agency of, [19n1](#); and class consciousness, [30](#); constraints on, [177](#), [229](#); resistance to capitalists' agenda, [243–45](#); right to organize, [129](#); view of antiunionists, [70](#); view of strikebreakers, [70](#). *See also* rights, of workers

Workingmen's Timber and Cotton Benevolent Association (WTCBA), [108](#)

world order, [237](#)

World War I era, [11](#), [36](#); African Americans during, [106](#); and federal protections for unions, [105](#), [111–12](#); Mobile during, [105–6](#); National War Labor Board, [166](#); St. Louis during, [165–66](#)

World War II era, [13](#), [149](#); Ahner during, [174–76](#); and antiradicalism, [131](#); strikes as threat to war preparation, [148](#)

Worman, H. A., [33](#)

Wright, Gregory, [223–24](#)

yellow dog contracts, [62](#)

Young, Chad, [218](#)

Zweig, Michael, [218](#)

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